

Southern Planning Committee

Agenda

Date:	Wednesday, 2nd February, 2011
Time:	12.00 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 - 6)

To approve the minutes of the meeting held on 12 January 2011.

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. **10/2516N Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, Whilst Retaining Old Style Pigsty and Enclosure. Rose Cottage, Damson Lane, Audlem, CW3 0EU for Mr D Cooper & Ms M Hollinshead (Pages 7 - 14)**

To consider the above planning application.

6. **10/2647C Erection Of 13 No. Affordable Houses, Associated Parking And Landscaping And New Vehicular Access, Land North Of Twemlow Lane, Twemlow Green for McInerney Homes & Plus Dane Group (Pages 15 - 30)**

To consider the above planning application.

7. **10/3339N Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff, Reaseheath College, Main Road, Worleston, CW5 6DF for Reaseheath College - Mr M Embrey (Pages 31 - 44)**

To consider the above planning application.

8. **10/3951C Redevelopment of Site to Erect One A1 Retail Unit with Mezzanine Level and Associated Engineering Works, Car Parking, Landscaping and Service Yard Area, Booseys Garden Centre, Newton Bank, Middlewich, CW10 9EX for Radcliffe Developments (Cheshire) Ltd (Pages 45 - 62)**

To consider the above planning application.

9. **10/4226C Proposed Two Storey Extension and Internal Alterations, The Mews, Chancery Lane, Alsager, ST7 2HF for Mrs Margaret Brown (Pages 63 - 68)**

To consider the above planning application.

10. **10/4412N Putting Up Two Partition Walls In Order To Use One Quarter Of Existing Garage As A Small Dog Grooming Salon, 61, Rope Lane, Shavington, CW2 5DA for Mrs A Venables (Pages 69 - 76)**

To consider the above planning application.

11. **10/4489N Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type, Land To The Rear Of 91, Hall O Shaw Street, Crewe for Fourth Estates Ltd** (Pages 77 - 88)

To consider the above planning application.

12. **10/4497N Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manege and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager, Little Island Nurseries, Haymoor Green Road, Wybunbury, CW5 7HG for Mr G Heath** (Pages 89 - 100)

To consider the above planning application.

13. **10/4539N Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes, 416, Newcastle Road, Shavington, CW2 5EB for Mr J Parton** (Pages 101 - 110)

To consider the above planning application.

14. **10/4561N Extension to Time Limit of Application P07/1483 for a New Warehouse, Two Storey Office Block, Parking, Service Areas and Access Road, Land Adjacent To Gallaher Ltd, Weston Road, Crewe for Gallaher Ltd** (Pages 111 - 118)

To consider the above planning application.

15. **10/4757N Extension to Time Limit on Application P08/0562, Plots 5 And 11, Orion Way, Crewe, Cheshire for Hxrux (KP Dev) Ltd** (Pages 119 - 126)

To consider the above planning application.

16. **10/4760N Extension to Time Limit on Application P08/0561, Plots 1- 4, Orion Way, Crewe, Cheshire for Hxrux (KP Dev) Ltd** (Pages 127 - 134)

To consider the above planning application.

17. **10/4817N Outline Application To Erect Single Detached One and a Half Storey Bungalow. Resubmission of 10/4300N, 10 Whitchurch Road, Audlem, CW3 0EE for Mr & Mrs K Whalley** (Pages 135 - 142)

To consider the above planning application.

18. **10/4842N Proposed Change of A1 Use Video Shop to A5 Fish and Chip Shop and First Floor Residential Accommodation, 235, Broad Street, Crewe, CW1 4JJ for Mr C Shephard** (Pages 143 - 150)

To consider the above planning application.

19. **10/4897N Erection of New Dwelling (Unit 3), Henhull Bridge Farm, Millstone Lane, Hurleston, Nantwich, CW5 6AG for Mr G A Newsome** (Pages 151 - 162)

To consider the above planning application.

20. **10/4947C New Family Dwelling And Associated Works To Provide Turning Area Separate From Existing Dwelling, 38, Brooklands Drive, Goostrey, CW4 8JB for Mr & Mrs S Occleston** (Pages 163 - 172)

To consider the above planning application.

21. **10/4984N Proposed Residential Extension & Alteration Works to Existing House, The Cottage, Edleston Hall Lane, Ravensmoor, CW5 8PJ for Mr & Mrs N Hammersley** (Pages 173 – 178)

To consider the above planning application.

22. **Planning Permission P07/0867 for 10 Affordable Houses at Wyche Lane, Bunbury** (Pages 179 - 182)

To consider a proposed variation to the Section 106 Agreement attached to planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury, which was approved by Crewe and Nantwich Borough Council.

23. **08/1236/OUT Land at Mill Street / Brook Street, Congleton** (Pages 183 - 190)

To consider proposed amendments to the conditions and Section 106 Agreement Heads of Terms attached to the above planning permission, which was approved on 21 April 2010.

24. **Planning Enforcement Performance** (Pages 191 - 202)

To note a report detailing Enforcement Notices/Enforcement Action which was considered at a meeting of the Strategic Planning Board on 15 September 2010. (As requested by Members.)

25. **Appeal Summaries** (Pages 203 - 204)

To note the Appeal Summaries.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 12th January, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors W S Davies, B H Dykes, S Furlong, A Kolker, S McGrory,
R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey, R Domleo, M Martin and C Thorley

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Daniel Evans (Planning Officer)
David Malcolm (Southern Area Manager – Development Management)

Apologies

Councillors W T Beard, D Bebbington, E Howell, J Jones and S Jones

133 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor R Walker declared a personal interest in respect of application number 10/1250N on the grounds that he was a member of Stapeley & District Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

134 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 15 December 2010 be approved as a correct record and signed by the Chairman.

135 10/1250N ERECTION OF 9 NO. DETACHED DWELLINGS AND ASSOCIATED DETACHED GARAGING. REFURBISHMENT AND EXTENSION OF 2 NO. EXISTING DWELLINGS (FOOLPENNY HALL AND CROSSLANDS COTTAGE) AND THE DEMOLITION OF EXISTING OFFICE BUILDING AT THE PADDOCK - FOOLPENNY HALL. FORMATION OF NEW ACCESS ONTO LONDON ROAD. RE-

SUBMISSION OF 09/2012N, FOOLPENNY HALL, LONDON ROAD, STAPELEY FOR MR. S. WILLIAMS

Note: Mr A Gentil (objector) and Mr M Ollier (architect on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral report of the site inspection and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE the application following negotiation regarding the siting of the garage on plot 2.

Approval to be subject to the following conditions:

1. Standard
2. Plans
3. Materials
4. Submission / approval / implementation of boundary treatment
5. Submission / approval / implementation of a scheme of drainage to include the following:-
 - a. surface water shall not be discharged to the foul / combined sewer
 - b. surface water discharge to the soakaway / SUDS / Pond
 - c. a scheme to limit the surface water run-off generated by the proposed development,
 - d. The discharge of surface water from the proposed development to mimic that which discharges from the existing site.
 - e. a scheme to manage the risk of flooding from overland flow of surface water,
6. No building over public sewer
7. Submission / approval / implementation of a landscape management plan
8. Submission / approval / implementation of a access arrangement
9. 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.
10. Submission / approval / implementation of features into the scheme suitable for use by roosting bats and breeding birds.
11. Submission / approval / implementation of design for retained part of pond
12. Contaminated land report
13. 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.
14. Submission / approval / implementation of details of any pile driving operations.

15. Submission / approval of a scheme of landscaping
16. Implementation of landscaping
17. Scheme of tree protection
18. No works within protected areas
19. Arboricultural method statement
20. Remove permitted development rights.

136 **10/4236N ERECTION OF HAY STORE/BARN AND CHANGE OF USE OF AGRICULTURAL LAND TO LAND USED FOR KEEPING HORSES, LAND TO THE NORTH OF 50 WHITCHURCH ROAD AUDLEM FOR MR M BARNETT**

Note: Councillor R Bailey (Ward Councillor), Mr A Chalkeley (objector) and Mr M Barnett (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.

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

The proposed hay store by reason of its height and proximity to neighbouring property No. 46 Whitchurch Road Audlem would have an adverse impact on amenity of the occupiers of that property, contrary to Local Plan Policy BE1.

137 **10/4682N 4 NO. APARTMENTS: GROUND FLOOR 2 APARTMENTS, FIRST FLOOR 2 APARTMENTS, LANDSCAPING/TURNING HEADS, CAR PARKING FOR 9 VEHICLES INCLUDING EXISTING FLATS, LAND SOUTH WEST OF GREYSTONE PARK, CREWE FOR AS DEVELOPMENTS LTD**

Note: Councillor C Thorley and Councillor M Martin (Ward Councillors) and Mr R Clews (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update 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 proposed development by virtue of its design would have an adverse impact on the character and appearance of the area, and on the street scene, contrary to Local Plan Policy BE2 and SPD on Backland Development.
2. The development by virtue of its proximity to neighbouring property would be over dominant and cause unnecessary overshadowing to

those properties and their occupiers, contrary to Local Plan Policy BE1 and the SPD.

138 10/4189C RESERVED MATTERS APPLICATION FOR APPROVED APPLICATION 07/0662/OUT - TEN DWELLING HOUSES, LAND ADJACENT TO 5 MIDDLEWICH ROAD, CRANAGE FOR CRANAGE PARISH COUNCIL

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

139 10/4486C REMOVAL OF CONDITIONS 3, 4 AND 5 ON APPROVAL 10/2631C RELATING TO MATERIALS, TREE PROTECTION AND ACCESS, 10 PADGBURY LANE, CONGLETON CW12 4LP FOR MR & MRS K PHILLIPS

Note: Councillor R Domleo (Ward Councillor) and Mr R Hartley (objector) attended the meeting and addressed the Committee on this matter.

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

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

1. In the opinion of the Local Planning Authority the conditions in question meet the requirements of the 6 tests for planning conditions as set out in Circular 11/95 and are necessary in order to ensure that the proposed field access complies with policies GR9 New Development, GR2 Design, NR1 Trees and Woodlands and NR3 Habitats

140 AMENDMENTS TO PLANNING APPLICATION 09/4076N FOR PLANNING PERMISSION FOR 11 HOUSES WITH PARKING, A NEW RECREATIONAL OPEN SPACE, FORMATION OF NEW VEHICULAR AND PEDESTRIAN ACCESSES ONTO ABBEY PARK WAY FOR LAND WEST OF 1 ABBEY PARK WAY, WESTON, CREWE FOR COUNTRYSIDE PROPERTIES

The Committee considered a report and a written update regarding the above planning application.

Following approval of the application by the Southern Planning Committee at its meeting on 10 March 2010, a request had been received for the substitution of the area of recreational open space in front of plot 1 with the provision of an area to be used as front garden to the dwelling at plot 1, which would be landscaped as shown in the submitted application.

RESOLVED – That the application be APPROVED subject to the prior completion and signing of a variation to the Section 106 agreement to:

- (1) allow the country park and community hall to be managed and owned separately,
- (2) the development of the mixed use site for housing,
- (3) the payment of a commuted sum of £25,000 towards the initial set up and running costs of the community hall provided that there is transfer of the hall within 12 months of the date of the agreement

and the following conditions:

1. Amended plans
2. Details/ samples of materials to be submitted approved and implemented.
3. Details / samples of surface materials to be submitted approved and implemented.
4. Details of the boundary treatment, including the use of Cheshire Railings to the garden to the front of plot 1 to be submitted, approved and implemented. The approved boundary treatment to the front garden area at plot 1 shall be retained at all times and not altered without the prior submission and approval of a further planning application
5. Notwithstanding the submitted landscaping scheme no planting other than trees and grass shall be provided in the forward visibility splay. The forward visibility splay shall be provided before the residential development is first occupied and thereafter retained.
6. Implementation of landscaping scheme submitted modified in accordance with condition 5. Maintenance of plot planting.
7. The area in front of the dwelling at plot 1 shall be used solely as front garden to that dwelling and the trees and shrub planting within the landscaping scheme shall be retained at all times.
8. Access to garage court to be formed in accordance with submitted plans and CEC specification before dwellings 1-6 and 9-11 are first occupied.
9. Access to plots 7 & 8 to be formed in accordance with submitted plans and CEC specification before dwellings are first occupied.
10. Garages only to be used for parking of cars and no other use which would preclude car parking.
11. Parking to be provided for each dwelling before it is first occupied.
12. Submission of details of appearance of canopies to dwellings and implementation in accordance with details.
13. Provision of rear access between dwellings/gardens and garages to enable removal of waste / recycling bins.
14. Withdraw permitted development rights for alterations, extensions and outbuildings.
15. Provision of services in the hard surfaced area of the access to the garage court to ensure that planting is provided at each side of this access.
16. 3 year time limit.

141 **BROADHEATH HOUSE, SLADE LANE, OVER ALDERLEY, ALDERLEY
EDGE - JUDICIAL REVIEW OF DECISION TO GRANT PLANNING
PERMISSION**

The Committee considered a report regarding the decision of the High Court to quash the grant of planning permission for the development at Broad Heath House, Slade Lane, Over Alderley, Alderley Edge and the implications for the determination of future applications for replacement dwellings in the Green Belt.

RESOLVED - That the report be noted.

142 **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 3.50 pm

Councillor G Merry (Chairman)

Application No: **10/2516N**

Location: **Rose Cottage, Damson Lane, Audlem, CW3 0EU**

Proposal: **Demolish Group of Existing Pre-Fab Garages and Outbuildings and Replace with New Detached Garage/Workshop, Whilst Retaining Old Style Pigsty and Enclosure.**

Applicant: **Mr D Cooper & Ms M Hollinshead**

Expiry Date: **10-Dec-2010**

Ward **Cholmondeley**

SUMMARY RECOMMENDATION:
Approve subject to conditions

MAIN ISSUES:

- **Principle of development**
- **Impact of the development on the conservation area**
- **Impact of the development on open countryside**
- **Impact of the development on residential amenity**
- **Impact of the development on trees**
- **Impact of the development on highway safety**

REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr Bailey for the following reasons:

*“- Loss of amenity to neighbouring property
- Protection of a conservation area”*

DESCRIPTION OF SITE AND CONTEXT

The application relates to an existing paddock situated on the opposite side of the lane to the residential property known as Rose Cottage. The site is currently occupied by a number of dilapidated buildings and structures, a pig sty and a small stable. The site is located in the Coxbank Conservation Area and lies within designated open countryside.

DETAILS OF PROPOSAL

Since its submission, the application has been amended to reduce the size of the garage/workshop and resite it closer to the existing cluster of buildings, some of which are to be demolished. The application therefore seeks permission for a garage/workshop with the garage measuring 6.535 metres by 6.535 metres and the workshop element measuring 3.0375 by 3.350 projecting to the rear. The height of the garage will be 4.9 metres to the ridge with an eaves height of 2.2 metres. The ridge height of the workshop will be 3.2 metres.

The proposal will include the demolition of a number of buildings/structures on the site which requires conservation area consent for demolition in a conservation area. However, this aspect does not need planning consent. A separate application for conservation area consent has been submitted and is under consideration under delegated powers (reference number 10/2515N). A small stable block and a pig sty would be retained on the site.

RELEVANT HISTORY

No relevant planning history

POLICIES

Local Plan Policy

NE.2 (Open Countryside)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.7 (Conservation Areas)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objections

VIEWS OF THE PARISH COUNCIL:

The Parish Council draws attention to neighbours' concerns about the height of the proposed garage. In addition, it is suggested that the proposed development is not within the domestic curtilage of Rose Cottage and on agricultural land.

OTHER REPRESENTATIONS:

Letters of objection have been received in relation to the initial proposal from the occupiers of Hawthorn Cottage, Damson Lane; Orchard Cottage, Damson Lane; and Pheasants Rise, Coxbank. The application has now been amended to reduce the size of the garage/workshop and its position.

In summary the original objections relate to:

The scale of the proposal would be overpowering due to its height at a narrow part of the lane.

The garage will be visible from a considerable distance, should be considered significant and inappropriate in the conservation area.

It will be sited on elevated land and therefore very prominent.

The proposal will impact on the light to neighbouring properties internally and externally.

The proposal will be overbearing on neighbouring properties.

The use would result in noise disturbance from traffic and the workshop.

The application site is agricultural land and not residential curtilage.

The development would introduce a residential use and would change the use of the land and the character of the area.

The buildings to be demolished are on a different section of the site to the proposal so this cannot be considered a replacement.

The existing structures are not garages and are the type of structures you would expect to find on agricultural land.

The brick paving would detract from the traditional heritage of the pig sty and would not be in keeping with the surrounding open countryside.

The footprint is larger than surrounding properties.

The proposal will include the removal of a tree and will change the appearance and character of this conservation area.

The application is based on a false premise and is fundamentally flawed due to its reference to inappropriate and incorrect policies in the Heritage Statement.

The proposal conflicts with policies BE.7 and NE.2

Open countryside policy seeks to prevent this sort of encroachment into the countryside.

There is no presumption that the existing structures should be replaced if they have reached the end of their useful life.

The application would extend the domestic curtilage and make it is easier to obtain residential use.

The proposed building would interrupt the view from neighbouring property.

Letters of support have been received from occupiers of Woodside, Coxbank and Todd Cottage, Coxbank.

In summary the comments relate to:

The land has been used as parking/garage since at least 1982

This scheme is an alternative to providing parking in the garden of Rose Cottage which would detract from the setting of the cottage.

The land is not agricultural

There will be no loss of light or shadowing of neighbouring properties.

Further Representations

This application has been subject to further consultation on the amended plans. If any representations are received they will be reported by update.

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement and Heritage Statement submitted, the salient points being:

There is existing access off Damson Lane, serving the area of land

Evaluation has been undertaken to accommodate the proposed building and retain the pig sty as the dominant feature

No loss of parking

No loss of amenity to neighbouring properties.

The site is well screened by well established hedgerows and trees.

The siting of the proposal takes advantage of existing screening to minimise the visual impact upon the countryside

The village supports a wide variety of building styles and materials

The materials will match the surrounding properties.

The proposed layout incorporates adequate on site turning and parking.

The applicant has provided a statement in response to objections received, the salient points being:

The parcel of land originally had a dwelling on it before it was destroyed in a fire in the 1940s
The existing garages have been in existence for decades and have been used to house cars
The existing garages are unsightly and dangerous
The site is the only practical position for a facility to serve Rose Cottage
The settlement is patently not open countryside
Replacing the existing garages would constitute planning gains
Rose Cottage is not a farm and the site will not be used for farming purposes
There will be no industrial noise or noxious emissions.

OFFICER APPRAISAL

Principle of Development

The application site is not within the residential curtilage of Rose Cottage and is an area of paddock on the opposite side of Damson Lane. The application has therefore been submitted as a full planning application and not a householder planning application. The application does not involve a change of use of the land to residential curtilage and is for the erection of a garage/workshop. If the committee are minded to approve the application it is suggested a condition should be attached to clarify that the permission does not constitute a change of use of the land to residential use and relates to the parking of vehicles and ancillary workshop usage. There have been a number of objections raised relating to this issue, however the application accepts that this is not the residential curtilage for Rose Cottage. In regard to any possible future development or proposals, this is speculative and the Council can only determine the application before it. If any future proposals were to be put forward they would be subject to the full and proper assessment against policy at that time. Reference has been made to a dwelling that previously stood on the site, however there is no evidence of this and it is therefore not relevant to the consideration of the application.

The site is located in the open countryside and the Coxbank Conservation Area. Policy NE.2 states that only development essential for the purposes of agriculture, forestry or outdoor recreation or other uses appropriate to a rural area will be permitted within the open countryside. The site is currently used for the parking of vehicles by the occupiers of Rose Cottage and contains a number of sheds, buildings and structures. Whilst the proposed development would not be for agricultural purposes the site is currently used for the parking of vehicles and general storage so it would be difficult to justify refusal on these grounds.

Design

Policy BE.7 (Conservation Areas) states that development will not be permitted if it would harm the character, appearance or setting of the conservation area and it should harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area. The proposal includes the demolition of a number of dilapidated and unsightly buildings which would enhance the appearance of the conservation area. However, the proposed replacement building is somewhat larger than any of those to be replaced. The conservation officer initially raised concerns with the bulk and height of the building, and its overly domestic appearance. However, it has been significantly reduced in size and the design has been changed and the conservation officer is now more comfortable with the proposed scale and appearance of the building. The design of the amended building is more in keeping with the simple and plain buildings of this type in the conservation area and rural areas.

The amended plans significantly reduce the overall bulk, massing and height of the proposed garage than that originally submitted. At 4.9 metres to ridge height it would not be unduly prominent in the landscape and will be sympathetic to the scale of the surrounding dwellings, clearly legible as an outbuilding. It is noted that the site slopes away to the south and east and the garage/workshop will be positioned on elevated land. However the southern boundary is formed by mature vegetation and trees and at the size and scale proposed the garage/workshop would not be unduly prominent from any public vantage points. The existing hedge along the northern boundary will screen the majority of the development from views along Damson Lane and whilst it will still be visible, the garage will not compete with the surrounding dwellings or appear inappropriate to the surroundings.

The submitted plan refers to the removal of existing concrete hardstanding and the replacement with brick paviors. Details of these have not been provided nor has the extent of the paving. Brick paviors would introduce a domesticated appearance and it is important to ensure the extent of the surfacing is kept to a minimum. A condition can be attached to any approval to require details of the proposed surfacing to be submitted and agreed, notwithstanding the details on the plans, which will ensure control over the surfacing is retained.

Siting

The siting of the proposed garage will allow the retained pig sty to be visible within the site and open it up as a feature. The pig sty is considered an important historical feature of this site and its retention is highly desirable. At present the pig sty is surrounded by the dilapidated buildings which are indicated to be demolished and although there is some concern from the conservation officer regarding the siting of the garage outside the footprint of the existing buildings, in siting it in the position proposed the pig sty will no longer be concealed. Whilst it does result in the built form encroaching away from the existing development this approach finds a balance between the competing pressures within the site.

The conservation officer has also raised concerns regarding the orientation of the garage/workshop not facing onto Damson Lane. However Rose Cottage does not face on to Damson Lane nor do other dwellings within the area. Therefore in orienting the garage/workshop in this direction it is not considered that there will be a harmful impact on the character, appearance or setting of the conservation area.

Amenity

To the east the site is bounded by Orchard Cottage, a large white rendered dwelling which overlooks the site. The boundary is formed by a neatly maintained hedge approximately 2 metres high. The garage will be sited approximately 15 metres from Orchard Cottage at its nearest point. Given this distance, and that the garage will not be directly opposite the windows in that elevation of Orchard Cottage, it is not considered there will be significant detrimental impact on residential amenity in terms of loss of light or visual intrusion. Concerns have also been raised relating to loss of light to other properties on Damson Lane, however given that the amended scheme has reduced the height to 4.9 metres, and its position in relation to those dwellings, it is not considered that the proposal will result in significant loss of amenity at other neighbouring properties due to loss of light or visual intrusion. Comments regarding the garage spoiling an existing view are not for consideration as there is no protection of views in planning legislation.

Noise generated by the site will be minimal given the nature of the proposed building and it is not considered that it would be significantly different to what is currently experienced. It is not considered a refusal could be substantiated on noise and disturbance grounds.

Trees

The proposal includes the removal of a large apple tree which is adjacent to the pig sty. The positioning of the garage in close proximity to the pig sty is considered to hold considerable weight in ensuring there is a clear visual connection between the two buildings whilst ensuring the pig sty is visible within the site. The removal of the tree is therefore considered to be acceptable in this case and moreover the loss can be compensated for by requiring similar replacement planting, which if the committee are minded to approve, can be secured by condition.

In order to protect the existing hedgerow on the northern boundary a condition should be imposed to require details of the tree and hedgerow protection measures during construction.

Highways

The siting of the garage would allow vehicles to completely exit the highway without overhanging and there would also be sufficient room to turn and exit in a forward direction which will ensure minimal impact on highway safety. The existing access to the site will be retained and unaltered. The proposal is considered acceptable in highways terms.

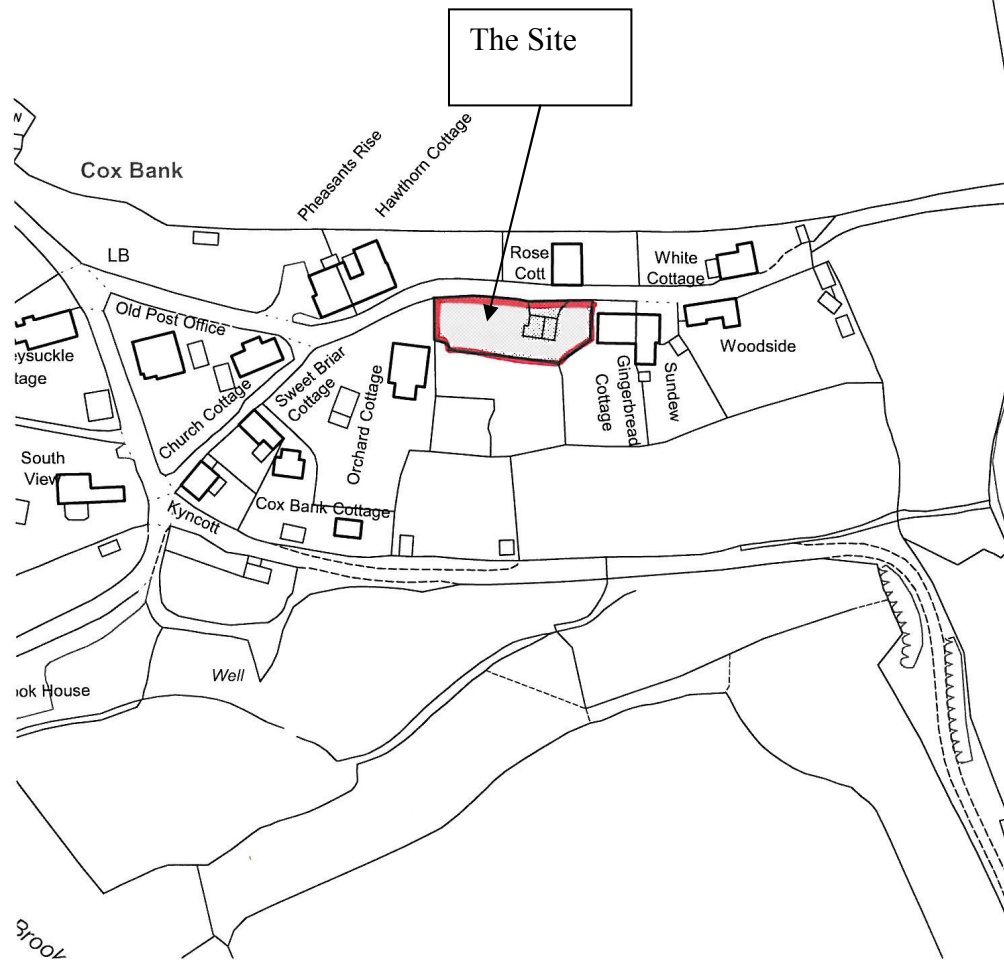
CONCLUSIONS

The development will result in the erection of a building larger than any of the existing on site however its simple, plain appearance and the size and scale are appropriate for this type of building within the conservation area and the rural setting. Whilst it would be sited outside the existing footprint of buildings this would allow the pig sty to be retained which is an important feature and would also ensure it is not concealed from view. The proposal provides for safe access and egress arrangements. The proposal is not considered to result in significant loss of amenity at neighbouring properties. The proposed development, as conditioned, is therefore considered to be in compliance with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.7 (Conservation Areas) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

1. **Standard Time**
2. **Details of facing materials to be submitted and approved**
3. **Details of the extent of surfacing and the materials to be used to be submitted and approved**
4. **Details of replacement tree planting**
5. **Details of tree and hedgerow protection**
6. **Details of works to the pig sty to be submitted and approved**
7. **Roof light to be conservation type set flush with roof plane**
8. **Approved plans**



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Application No: **10/2647C**

Location: **Land North Of, Twemlow Lane, Twemlow Green**

Proposal: **Erection Of 13 No. Affordable Houses, Associated Parking And Landscaping And New Vehicular Access.**

Applicant: **McInerney Homes & Plus Dane Group**

Expiry Date: **13-Oct-2010**

Ward: **Congleton Rural**

Date Report Prepared: 21st January 2011

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to affordable housing and management of the Public Open Space and the retained trees within the site.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Jodrell Bank Telescope
- Section 106 Agreement – Affordable Housing and Management of the Public Open Space and Trees Retained within the site

REASON FOR REFERRAL

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

DESCRIPTION AND SITE CONTEXT

The application site comprises part of a triangular parcel of land, bounded by Twemlow Lane on the south west side, Goostrey Lane on the eastern side and the former Ministry of Defence fuel storage site to the north. The eastern boundary with Goostrey Lane

contains a variety of types of residential properties; to the southwest on the opposite side of Twemlow Lane are dwellings that were former Local Authority properties.

The site is 0.82 hectares in size and comprises bushes and trees, some of which are subject to protection orders, and rough grassland, which is mostly level with a slight fall from east to west across the site. The site is defined as being within the Open Countryside and is adjacent to the infill boundary line of Twemlow, as defined in the adopted local plan.

DETAILS OF PROPOSAL

The proposal is for the development of 13 affordable houses that would be constructed by McInerney Homes and then acquired and managed by the Plus Dane Group, which is a registered social housing company. The tenure is proposed to be a mix of rented and shared ownership, which should the application be approved would be secured by a Section 106 Legal Agreement. An Affordable Housing Statement and Local Housing Need Justification Statement has been submitted with the application and this will be discussed in the main body of the report.

Originally the proposal comprised 14 dwellings, which following negotiations with officers, has been reduced to 13 in order to achieve a more acceptable layout, and recognise concerns in relation to the Jodrell Bank Telescope. The layout of the site would comprise a vehicular access taken from Twemlow Lane, with an area of informal, public open space to the northwest of the access. Six of the dwellings would be sited on the south eastern side of the access road, which would then have a turning head and an entrance to a private parking courtyard, this would provide parking and vehicular access to the five properties, facing on to Twemlow Lane. These five dwellings would take the form of two semi-detached units at either end and a terrace of three in the centre, the central one would be slightly set back from the semi-detached properties on either side. The properties would comprise eight 2 bed and five 3 bed houses.

RELEVANT HISTORY

07/1227/FUL	2008	Refused application for 16 dwellings
07/0165/FUL	2007	Withdrawn application for 16 dwellings
06/0120/FUL	2006	Withdrawn application for 16 dwellings

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPS23 Planning and Pollution Control

Regional Spatial Strategy

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

RDF4 Green Belts

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

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

PS8 Open Countryside

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H13 Affordable and Low Cost Housing

H14 Rural Exception Sites

GR1 New Development

GR2 & GR3 Design

GR6 Amenity and Health

GR9 Parking and Access

GR10 New Development & Travel

GR18 Traffic Generation

NR1 Trees & Woodlands

GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

OTHER MATERIAL CONSIDERATIONS

Draft Interim Planning Statement on Affordable Housing

The Council has recently produced a Draft Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The draft statement was approved by the Strategic Planning Board on 6 October 2010 and is currently out to public consultation until 17 December 2010, it will be put before Strategic Planning Board again on 26th February 2011.

Strategic Market Housing Assessment (SHMA)

The SHMA carried out on behalf of Cheshire East Council has been published and reports that there are 57 households in need in the Holmes Chapel Rural Area (the area within which Twemlow falls) and a need for 8 dwellings per annum within the Holmes Chapel Rural Area between 2009/10 to 2013/14.

OBSERVATIONS OF CONSULTEES

Housing:

Although it has to be borne in mind that some of the information available is drawn from a housing survey that was conducted 4 years ago it is believed that the need for housing is increasing rather than decreasing. The relevant points are:

- The evidence indicates that there could be a need for up to 14 affordable homes in Twemlow. The applicant did organise an event for local residents to attend however Cheshire East Council was not involved in this and therefore does not have names and addresses of applicants as has been the case on some other rural sites
- The mix in terms of types of homes required would be for a 60/40 split between 2 and 3 bedroomed homes and any provision for disabled facilities would be welcomed.

- The type of tenure that is required is a mixture of rent and intermediate tenure.

The Strategic Housing and Development Manager is happy for the proposed tenures of the dwellings to be selected from those put forward by the Plus Dane Group.

Environmental Health:

No objection subject to conditions relating to the potential for land contamination, limits on the hours of construction and deliveries and limits on the hours of piling if it is necessary.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage being connected to the main sewer. Surface water should discharge directly into the soakaway/watercourse.

Strategic Highways Manager:

The Traffic Statement shows that the traffic generation and impact from the site will have a negligible effect on Twemlow Lane and once past the nearest junctions the traffic will split and there would be no adverse impact on the local network.

The analysis of sustainable modal choice for the site shows the requisite information on: walking, cycling, bus and rail travel, and shows site has options for all of those choices. In addition the proposal offers 200% parking ratio against dwelling numbers and states that this is designed to mitigate against displacement parking onto the public highway.

The visibility available for the proposed junction is in accordance with standards set against the measured approach speeds and the SHM is satisfied that visibility to the nearside kerb is available in both directions.

The SHM considers that the Transport Statement appropriately addresses the traffic issues associated with the site and whilst sustainable modal choice is available, the SHM considers that this aspect of the analysis clearly shows these choices to be rural in nature with all of the general limitations that can bring. Walking options have limited footways, cycling is a real option, bus services have a rural timetable and the rail link is a reasonable option from Goostrey and Holmes Chapel. The SHM also acknowledges the realistic parking provisional ratio and considers this to be robust.

The SHM recognises the constraints of this site, yet would express comment that the parking court is a necessity given the proposed layout, yet does not comfortably align with the sort of quality design that Manual for Streets advocates. From a different stand point the parking arrangements are reasonably secure by passive surveillance.

The SHM does consider that the site should provide a roadside 2 metre footpath for the frontage of the site between the new junction and the eastern boundary. It is acknowledged that there is a secondary footpath on this frontage which serves plots: 1

– 6, however the additional footpath would serve the rest of the site and provide the significant refuge for pedestrians which this site demands by its rural nature. This is considered to be an essential link and will prevent the need for pedestrian use of the verge.

In principle the Strategic Highways Manager has no objection to the development and recommends conditions relating to the provision of a frontage footpath, the provision of tactile paving and dropped kerbs and the submission of a detailed suite of design drawings for the proposed junction.

University of Manchester – Jodrell Bank Observatory:

The University of Manchester opposes this application, as it would harm the efficient operation of the telescopes at Jodrell Bank Observatory. The potential electrical interference generated from the proposed development is of considerable concern, particularly because they lie to the south west of the observatory, and are also less than 3 miles from the site.

As an example, an interfering signal from this location would be 4 times greater than if it came from a unit in Holmes Chapel.

The telescope can only make many of its most important observations by pointing in this direction when it is very vulnerable to stray radiation from electrical devices on the ground.

VIEWS OF TOWN/PARISH COUNCIL

11th August 2010

There were concerns regarding the current speed of traffic on Twemlow Lane and the dangers when pulling out of properties. Residents were already fighting hard to reduce the speed limit as it was viewed to be too high and now this application was intending to add even more pressure on traffic congestion and in the public's view a dangerous B road. One single access was intending to serve another, possible twenty eight cars at peak travelling times. It needs to be pointed out that the speeds submitted in the application were not top speeds just a mean average which could be a distorted figure to move towards the passing of the application.

The pavement on Twemlow Lane is narrow and not serviceable to walk on and street lighting is limited. This creates a danger when people need to travel by foot on winter mornings / evenings when it will be dark especially over the station bridge heading towards Goostrey. The local primary school is in Goostrey and there will be the need to transport children to and from the school presumably by foot or bus. It is viewed to be unsafe when walking to and from the station or bus Stop, (Apparently Goostrey Primary School is currently full so has there been a consideration of where the primary age school children will go to school ?).

Many residents from Twemlow Lane still have great issues with the utilities especially the water supply. The water pressure is not great enough in the morning to let one lady have a shower until 10.00am. The surface water generally floods gardens after a large rainfall as the gullies can't cope with the volume of water. The sewage system apparently is only designed to accommodate the current houses and even though the application states that these things have been considered when 14 more properties have been built they are very worried that their situation will deteriorate further. The cascading ruling put forward in the application still gives the builders, after only two criteria, the chance to bring people to reside from outside Twemlow. After Twemlow there may be the need to move towards Goostrey for residents. The application would mean an increase of 20% of homes in the hamlet of Twemlow and if the need is greater in Goostrey then 14 houses would have a lot smaller impact in Goostrey as the village is a lot bigger. Residents are very worried that people in Twemlow don't need these houses and then outsiders from other areas would be offered the properties.

The concluding view is that Twemlow is not a sustainable location for 14 affordable houses.

24th November 2010

The Council's views were the same as previously and the amendment to the initial application made no difference to their view. The change of style of houses (two semis and one group of three houses) was in fact not in keeping with a rural area at all.

OTHER REPRESENTATIONS

36 other representations have been received relating to this proposal 34 in opposition and 2 in support. The objectors express concern over the following issues:

- The development would alter the character of Twemlow and is not in keeping with the existing development
- Overdevelopment of the area
- Disproportionate increase in the housing stock in Twemlow parish
- Lack of proven housing need in Twemlow
- Local infrastructure could not sustain additional housing
- Infrequent bus services, leading to an increase in traffic
- Lack of amenities in the area
- Local primary school is not safely accessible on foot
- Lack of available spaces in the local primary school
- Risk of accident for secondary school children walking to the bus stop
- Lack of footpaths on existing roads
- Inadequate access to local services
- Inadequate utilities in the local area – electricity, water drainage
- Adverse impact on highway safety due to an increase in traffic on Twemlow Lane and over the narrow railway bridge
- Unsafe vehicular access opposite existing properties
- Encroachment on Greenfield land

- Land is neglected but could be returned to agricultural use
- Precedent would be set for further development to the rear of the site and on the Ministry of Defence site
- Noise and light pollution
- Interference to the Jodrell Bank telescopes
- More suitable sites available in Holmes Chapel
- Proximity to the former Ministry of Defence site
- Underhand tactics by the developers
- Local residents would not want affordable housing to be built in Twemlow

The 2 letters in support came from the same source and expressed the need for affordable housing in Twemlow. They state that 60% of housing in Twemlow was affordable 20 years ago, now there are only 2 affordable houses left.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement:

This document gives an overview of the context of its site and surroundings, the national and local policy context and the history of the site. An explanation of the development in terms of its layout, scale and appearance, landscaping and ecology, public open space, access and accessibility by non-car modes and sustainability and climate change.

Affordable Housing Statement and Local Housing Need Justification Statement:

This document addresses the issues of local and national guidance relating to affordable housing, outlines the available housing need surveys, analyses the evidence of need, the housing provider, the economic downturn and the requirement for a Section 106 Agreement to secure the affordable housing and concludes that there is a case for allowing the development in order to ensure provision of affordable housing.

Utilities Statement:

This document addresses the issues of foul and surface water drainage, provision of mains water, electricity, gas and telecoms.

Tree Survey:

This document gives an assessment of the trees within the site, addresses protection methods and the retention value of the trees on the site.

Transport Statement:

This document assesses the transport issues relating to the site and comes to the following conclusions: The development would have a safe and efficient access, is accessible by a range of non-car modes, would have an adequate level of parking and would not have a material impact on the local highway network.

Desk Study Report:

This document gives an assessment for the potential for contamination on the site.

Ecological Assessment:

This document gives an assessment of the ecology of the site and recommends mitigation measures to protect species on the site.

Climate Change Statement:

This document addresses issues relating to sustainability and climate change, including materials used, re-cycling of water and waste and sustainable transport to and from the site.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 states that development will only be permitted if it meets one of several criteria. The relevant criterion is that it is for affordable housing in compliance with Policy H14. Policy H14 relates to rural exception sites and requires that development is close to existing or proposed services and facilities, comprise a small scheme appropriate to the locality, consists in its entirety of housing to be retained as low cost in perpetuity, is supported by a survey identifying local housing need and is subject to a legal agreement ensuring properties are occupied by local people in housing need, cannot be disposed of on the open market and has a mechanism in place for management of the scheme. National policy PPS3 states:

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns or villages. This requires planning at a local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

An assessment of housing need has been submitted with the application and is discussed below.

Twemlow is a very rural parish but the Transport Statement submitted with the application concludes that the site is accessible by non-car modes and the nearby parish of Goostrey would provide access to public transport, shops, community facilities

and schools. It is therefore considered that this parcel of land would provide a relatively sustainable site for this rural exception housing scheme.

Housing Need

The application is accompanied by an Affordable Housing Statement and Local Housing Need Justification Statement, which outlines the housing need surveys that have been undertaken, and analyses the results of these. The surveys comprise the Congleton Borough Council Survey 2004, the Congleton Borough Rural Housing Needs Survey 2005, the Housing Waiting List February 2010, the Choice Based Lettings System June 2010.

The Congleton Borough Rural Housing Survey 2005 concluded that in Twemlow there was a need for 18 new affordable homes. The Choice Based Lettings system has now been introduced in Cheshire East and at the time of the submission of the application, shows that there is a very high demand for properties that become available in rural areas.

In 2009 the Rural Housing Enabler for Cheshire East undertook an assessment of affordable housing need in the parish of Twemlow, using the Congleton Borough Rural Housing Needs Survey and his conclusion was that although the survey was conducted four years previously, there was a need for a minimum of 14 affordable houses in the parish of Twemlow. In addition there is also significant need in the neighbouring parishes and the type of tenure required is affordable rented and rent to buy properties.

The results of a survey undertaken by the Plus Dane Group in April 2010 were submitted with the application and had a response rate of 62%. The results showed that 7 of those surveyed wished to form a new household or needed their own accommodation in the near future and that of the 17 people who had moved out of the area, 15 would not have done so if there was cheaper housing available to them. The results also showed that the majority of people surveyed were not in favour of a development of affordable housing in the parish to meet the needs of those having a local connection to the parish.

As stated previously the Strategic Housing Market Assessment gives figures for the Holmes Chapel Rural area, which Twemlow is part of and these show a 57 households in housing need and a requirement for 8 dwellings per annum in the period 2009/10 to 2013/14.

Taking the above information into account it is considered that there is an identified need for affordable housing in the area. Should members approve the application the houses would remain affordable in perpetuity in accordance with Policy H14 and SPD6, and secured by Section 106 Agreement.

Highways and Parking

Several of the objectors have expressed concerns about highway safety and parking in relation to this application. The application was submitted with a Transport Statement

and the Strategic Highways Manager has assessed this statement and the proposal. It is considered that the Transport Statement appropriately addresses the traffic issues associated with the site. In principle there are no objections to the development subject to conditions relating to tactile paving and dropped kerbs, submission of a detailed suite of drawings of the junction and the provision of a frontage footpath. The first two are considered to be acceptable however, as discussed in the landscaping and trees section below, this could have an adverse impact on the trees on the boundary of the site. Given that a footpath is to be provided within the site, linking the properties to the access road and Twemlow Lane, it is considered that this would not be necessary, and subsequent discussion with the SHM has concluded that a satisfactory alternative could be achieved within the site. This issue can be dealt with by condition.

As the proposal is considered to be acceptable in terms of highway safety and parking provision, a refusal on highway safety grounds could not be justified.

Ecology - Protected Species & Nature Conservation

The Nature Conservation Officer originally had concerns that the Ecological Assessment did not include the results of a protected species records search; this was subsequently submitted and showed that roosting bats, badgers and Great Crested Newts do not present a constraint to the site. He is now satisfied with the information submitted. He recommends conditions to ensure the protection of breeding birds and that the hedgerow on the eastern boundary of the site should be retained and it is considered that these would meet the necessary tests in Circular 11/95.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory. It is considered however that permitted development rights for extensions should be removed in order to protect the amenities of residents in the future. In addition at the western end of the site, an area of informal open space is to be provided.

Having regard to the residential amenities of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity.

Design and Layout

The revised proposal, comprising 13 dwellings would be accessed from Twemlow Lane, with a road that would sweep round to a parking court at the rear, with 6 of the dwellings, all semi-detached facing onto this road. The remaining 7 properties would

face on to Twemlow Lane, with a central terrace of 3 dwellings and semi-detached properties to either side, these properties would be largely screened from Twemlow Lane by the existing trees and bushes on the boundary. It is considered that the layout would make good use of the available land and would not be out of character with the varied pattern of development in the area.

The dwellings would be of a simple design constructed of brick with tiled roofs. The surrounding development consists of a mix of house types and sizes, including large detached dwellings and cottages to the west and former Local Authority, semi-detached properties to the southeast. It is considered that the development would be in keeping with the character and appearance of the area and would not have any significant adverse impact on the street scene.

Landscaping and Trees

Trees on the northern boundary and many of the several trees on the Twemlow Lane frontage are protected by the Twemlow Lane TPO 2007. The trees on and adjoining the site provide a wildlife corridor, a screen and a prominent landscape feature in this section of Twemlow Lane and it is considered important that they be retained. The central area of the site appears unmanaged and supports grassland and ruderal vegetation.

Overall the proposed internal site layout is sympathetic to trees. The proposed new access would be taken at a point where the tree cover is minimal and with the exception of a small number of stems to be removed in this area (not subject to TPO protection), subject to appropriate management, it should be possible to retain the majority of healthy specimens. The principle of retaining the trees outside the curtilage of individual properties and in the area of public open space would provide greater opportunities for their long term retention and maintenance. (The applicants have indicated that future management would be undertaken by the Plus Dane Group). It would be desirable to secure some additional planting and a management plan for retained trees. In addition several of the trees would benefit from remedial works. These issues could be covered by conditions.

Whilst not indicated on the plans, it is noted that the Transport Statement makes reference to a proposed new footway on the northern side of Twemlow Lane, between the proposed new access and the south east corner of the site. In pre-application discussions it was requested that consideration be given to avoiding provision of a footway in this location to ensure that the root protection areas of the trees could be protected. The suggestion was made that an internal footpath could be provided with a link to a suitable crossing point on Twemlow Lane. It is noted that an internal path and link are indicated on the site plan and therefore the need for the external path is not justified. The Council's Strategic Highways Manager has indicated in his initial consultation response that a footway should be provided, however given that a footpath is to be provided within the site, linking the properties to the access road and Twemlow Lane, it is considered that this would not be necessary. The SHM has subsequently agreed that an alternative solution could be found, which would not have an adverse impact on the trees on the site, therefore a condition should be imposed requiring

details of an alternative footpath within the site, to be submitted for approval by the LPA. In addition it is recommended that conditions be imposed requiring tree protection measures, submission of a landscaping scheme for approval by the LPA and a long term management scheme for the public open space and the tree belt.

Jodrell Bank Telescope

The University of Manchester has objected to this proposal as it considers that it would harm the efficient operation of the telescopes at the Jodrell Bank Observatory. They state that the potential for electrical interference caused by the proposed development is of considerable concern given that it is less than 3 miles to the southwest of the observatory.

Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation, however this has to be balanced against the nature of the site, size of the development and the recognised need for affordable housing in the area.

The site is triangular and already bounded on two sides with residential properties and the development has been reduced in size to just 13 dwellings. It is therefore considered that given these factors and the recognised need for affordable housing in the area, that this issue could be satisfactorily mitigated against, by the use of measures recommended by the Observatory on other developments. These involve installing targeted screening on the roof and those walls that face towards Jodrell Bank and to have no screening on walls that face away from the telescope. This can be achieved by using plasterboard with aluminium foil backing, Pilkington 'K glass' for the windows, reflective insulating material for use in the walls and loft and doors that are either metallic or incorporate an aluminium foil barrier. The use of these materials can be secured by condition should the application be approved by members.

Other Matters

Concerns have been expressed about the existing water pressure in the area, however this is an issue that should be addressed by the water supplier and not through the planning process.

The Parish Council has expressed concerns about the ability of the local drainage system to cope with the new development, however United Utilities were consulted on the application and had no objections. In addition a condition will be imposed requiring the submission of detailed drainage plans for approval prior to the development commencing.

Section 106 Agreement

Should the Council be minded to approve the application, then a Section 106 Agreement would be required to include the following matters:

- The dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connections to the parish of Twemlow and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be the parish of Goostrey, then the former Congleton Borough, then the wider Cheshire East Borough, although the final details of this are still to be agreed).
- A management plan for the area of public open space and the trees retained within the site.

CONCLUSIONS

In conclusion, it is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 13 dwellings in Twemlow is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least 13 affordable dwellings. The siting, layout and design of the scheme is considered to be acceptable as are the access and parking arrangements. It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents, on existing trees on the site or on protected species.

The objections of the University of Manchester have been given careful consideration, however it is considered that on balance the importance attached to the provision of affordable housing should be given prominent weight. In taking this decision appropriate mitigation measures are considered to alleviate some of the harm to Jodrell Bank. There are no other material planning considerations that would warrant the refusal of the application, which for the reasons outlined within the report, is considered to be acceptable subject to the following conditions and the prior completion of a Section 106 Agreement.

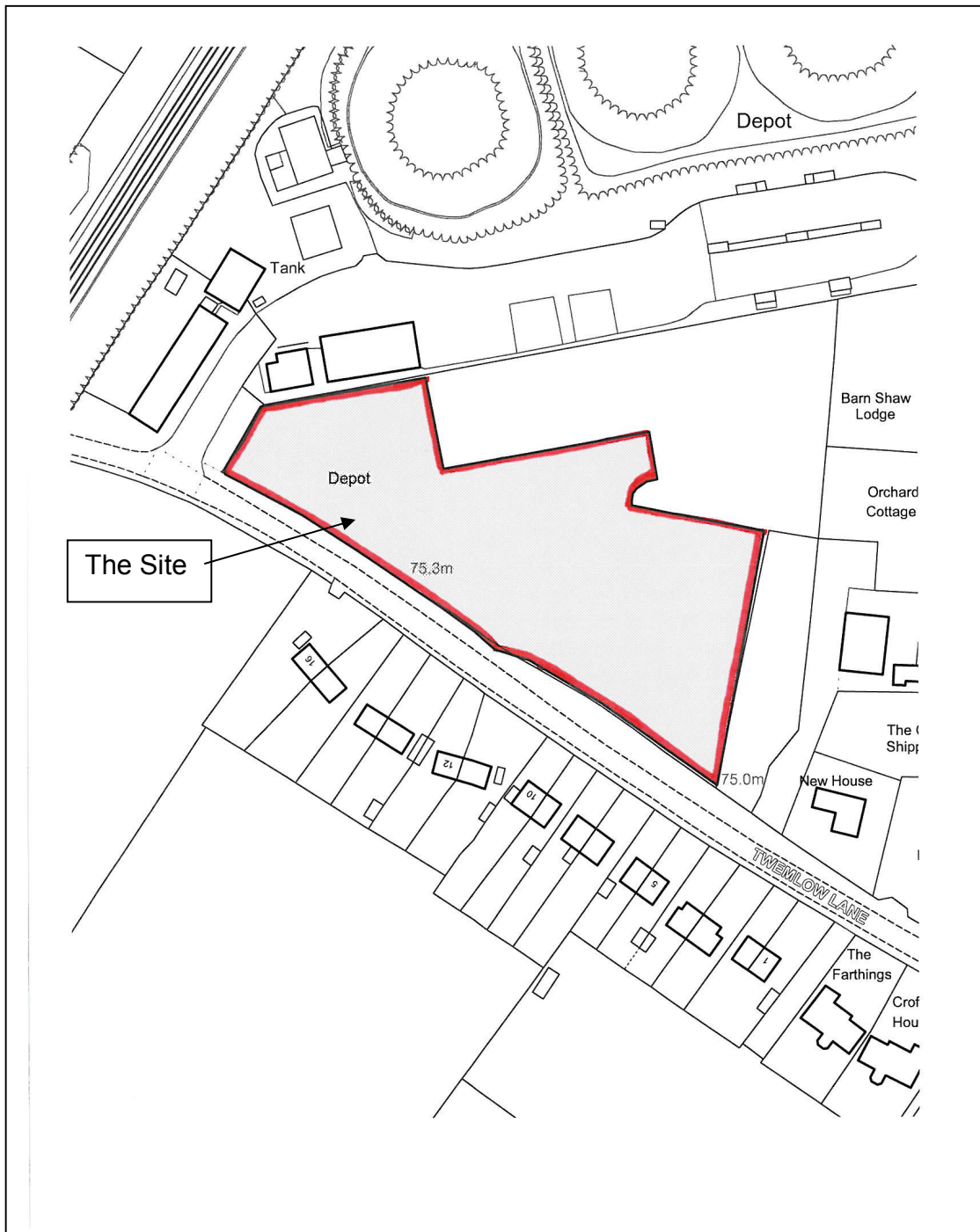
RECOMMENDATION:

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

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Electromagnetic protection (Jodrell Bank)
5. Submission and implementation of detailed access and junction plans
6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
7. Provision of tactile paving and dropped kerbs
8. Submission and implementation of details of a footpath within the south western boundary of the site
9. Submission and implementation of surveys and mitigation methods for the protection of breeding birds

10. Submission of a scheme of landscaping of the site including the retention of the hedgerow on the eastern boundary of the site
11. Implementation of approved landscaping scheme
12. Submission and implementation of details of boundary treatments
13. Submission and implementation of a tree protection scheme
14. Submission and implementation of an arboricultural method statement
15. Submission of a detailed drainage scheme
16. Submission of a Phase 1 land contamination survey
17. Limits on hours of construction
18. Limits on hours of piling
19. Removal of permitted development rights for extensions

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **10/3339N**

Location: **Reaseheath College, Main Road, Worleston, CW5 6DF**

Proposal: **Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff**

Applicant: **Reaseheath College- Mr M Embrey**

Expiry Date: **24-Nov-2010**

Ward **Cholmondeley**

Date Report Prepared: 31 December 2010

SUMMARY RECOMMENDATION

APPROVE Subject to Conditions and Subject to Section 106 Agreement

MAIN ISSUES

Impact of the Development on:-

- **Principle of Development**
- **Impact of the Development on the Campus and the Conservation Area**
- **Highways**
- **Ecology**
- **Archaeology**
- **Trees/ Landscape**
- **Other Matters**

REASON FOR REFERRAL

This application is to be determined by the Southern Area Planning Committee as the application would need to be accompanied by a legal agreement to secure a commuted sum payment as a contribution to the cost of delivery of the Crewe-Nantwich Cycle route known as the Connect 2 scheme.

DESCRIPTION OF SITE AND CONTEXT

Reaseheath College is located in the open countryside just north of Nantwich. The principal vehicular access is from B 5074 Nantwich – Winsford Road (on the east side of the college). Secondary vehicular accesses are obtained from the A51 to the south of the college and Poole Lane.

Part of the campus is sited within the Reaseheath Conservation Area. Reaseheath Conservation Area extends from the group of dwellings and buildings on the A51 into the college grounds. The site the subject of this application is within the Conservation Area boundary however the majority of the built form of the college lies outside of the Conservation Area.

There is a scheduled monument (earthwork) which lies within open land to the east of the college and a listed building (Reaseheath Old Hall) sited to the west of the complex. These would be unaffected by the proposals.

The application site comprises the access track from Winsford Road and the existing hall catering services within Reaseheath Hall and linking with the Lord Woolley Sports Hall, Jodrell (residential) Hall and the Jim Humphreys Building.

The application site is surrounded by other college buildings to the north and east however to the south and west lies a large lake and the core of the Conservation Area which remains largely undeveloped.

DETAILS OF PROPOSAL

Reaseheath Redevelopment Proposals

Reaseheath College has been undertaking a campus redevelopment. In 2007 the second phase of the development was completed and comprised a new Learning Resource Centre/ Welcome Building (Centrepont) and an Engineering Academy. In 2008 the 3rd phase of the development achieved planning consent.

This related to:

- New student hub with dining, retail and student amenity facilities, (HUB) P08/1126;
- New horticulture department, P08/ 1142;
- A new animal management centre P08/1136;
- New food processing department, P08/1134;
- Minor alterations to form a new farm interpretation centre, P08/1140;
- New horticulture and animal management training and education resource, (HAMSTER) P08/1129; and
- New facilities for arboriculture, construction and engineering (ACE) P09/0025

Many aspects of the Phase 3 proposals are on hold due to lack of Learning Skills Council (LSC) support. As such, Phase 4 will involve the completion of the Food Centre of Excellence (due for completion in spring 2011) and Phase 5 relates to the refurbishment and extension of existing facilities rather than the provision of replacement and new buildings.

Site Specific Proposals

In respect of the application site the student HUB building proposed under P08/1126 was dependent on LSC funding which the college was unable to secure. As such a scaled down version of the scheme relating to the extension and refurbishment of the existing facilities is proposed under this application as part of Phase 5.

The proposals under P08/1126 included the demolition of the Cross College Foundation Block, the Harvester Coffee Shop, single storey dining hall, and associated circulation space. Internal alterations would also have taken place and recladding of the Lord Woolley Building. The replacement building would have linked to the Jim Humphreys building but all other alterations of that building would have been internal works. New development included an entrance hall

with circulation space, coffee shop, double height dining room and refectory, new kitchen and upper holding kitchen and related facilities.

The dining facilities would have been a two storey space curving out from the rear of the existing dining hall area in an arc around retained trees to look over the grounds towards the lake. At the rear, this development would have been single storey. It would have linked to the single and two storey buildings which were to be retained. The curved dining area would have been constructed in glass with timber posts and cladding. The remaining areas would have been constructed in white render to match other new buildings recently constructed.

The proposals under this application have been significantly reduced in scale; the demolition of the Cross College Foundation Block, the Harvester Coffee Shop, single storey dining hall, and associated circulation space are no longer required as the two storey dining facilities have been removed from the proposals.

Instead, it is proposed to renovate and extend the existing facilities rather than completely rebuild them. The refurbishment would relate to the existing catering department, Greenways Dining Room and Harvester Coffee Shop to provide a kitchen and servery, internal and external seating areas, café and shop. Single storey extensions would be added and the footprints of these would be sited on some existing areas of landscaping. One area would be in-between the Greenways Dining Room and the kitchen to provide extended kitchen facilities. A further extension is proposed within the existing courtyard between Jodrell Hall and Greenways Dining Room to provide internal and external seating areas. A further external seating area and a paved entrance point would be provided to the south-east elevation in-between the Main Hall and the Lecture Hall. The proposals would continue to be linked to the Lord Woolley Sports Hall, Jodrell (residential) Hall and the Jim Humphreys Building.

The above would result in some changes to the external appearance of the buildings. The Harvester Coffee Shop footprint would remain the same however the existing walls would be increased in height and a new flat roof with a canopy would be provided. This would replace the existing hipped roof. The existing doors and windows would also be removed and larger glazed openings provided. On the north-western elevation a new kiosk and shop entrance would be provided, and there would be a mono pitch roof and glazed atrium to the indoor seating area to the south-east and north-east elevations.

RELEVANT HISTORY

There have been well over 30 applications submitted on the site since 2006. In addition to those noted above the following are relevant to the proposals:

P09/0025 Removal of Gas Cylinder And Erection of New Shed for Teaching Accommodation and Storage Extensions for Teaching Office and Storage Space (resubmission of P08/1130) Approved 11/03/2009

09/1155N Demolition of the Cross College Building including Student Union Office Approved 5/6/2009

09/2160N Refurbishment and Extension of the Existing Food Processing Department to Accommodate New Student Training Facility Approved 22/9/2009

09/2675N Demolition of Single Storey Teaching/ Amenity Block and Erection of a New Two Storey Food Centre of Excellence to Facilitate Business Innovation and Research Areas Approved 15/12/2009

10/0279N Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use Approved 16/4/2010 (this increased the approved floor area by 200 sq. m)

POLICIES

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

The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP3 – Promote Sustainable Economic Growth
DP4 – Make the Best Use of Existing Resources and Infrastructure
DP5 – Managing Travel Demand
DP6 – Promote Environmental Quality
DP7 – Promote Environmental Quality
DP8 – Mainstreaming Rural Issues
DP9 – Reduce Emissions and Adapt to Climate Change
RDF2 – Rural Areas
W1– Strengthening the Regional Economy
L1 – Health, Sport, Recreation, Cultural and Education Services Provision
RT2 – Managing Travel Demand
RT9 – Walking and Cycling
EM16 – Energy Conservation and Efficiency
EM1B – Natural Environment
EM1 D – Trees Woodlands and Forest
EM3 – Green Infrastructure
MCR4 – South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11A Development and Waste Recycling.

Local Plan Policy

NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.7 (Conservation Areas)
BE.15 (Scheduled Ancient Monuments)
BE.16 (Development and Archaeology)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
CF.2 (Community Facilities)

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 1 (Delivering Sustainable Development – Climate Change Supplement)

Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

Planning Policy Statement 5 (Planning for the Historic Environment)

Planning Policy Statement 7 (Sustainable Development in Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

Planning Policy Guidance 13 (Transport)

CONSULTATIONS (External to Planning)

Nature Conservation: No objections

Strategic Highways Manager: None received at time of writing report

VIEWS OF THE PARISH COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS:

None received at time of writing report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement / Heritage Statement

- Incorporates summary of the redevelopment proposals and a strategic overview
- Provides detailed analysis of principal routes, styles of building
- Analysis of site constraints, opportunities, existing context and Masterplan opportunities
- Provides justification for choice of design and relationship to other buildings and the campus
- Justification in respect of impact upon Conservation Area and Heritage Assets
- Analysis of transport, access and car parking impacts and sustainability features

Transport Assessment

- Undertaken in 2008 in respect of proposed Phase 3 works provided predictions in respect of car parking, traffic flows, traffic impacts and operational performance of the highways network

Transport Assessment Addendum

- No changes to predicted increase in student numbers, car parking and other information as a result of Phases 4 and 5

Ecological Assessments

- No evidence of bats or barn owls
- Evidence of nesting birds
- Development unlikely to affect Great Crested Newts
- Recommends precautionary measures

OFFICER APPRAISAL

Principle of Development

Whilst the existing college is outside the settlement boundary it is very close to Nantwich and is a long established institution. The principle of replacement buildings at the college has been accepted by the grant of the previous permissions at this specific site. Since this part of the campus already provides facilities for students there are no objections in principle for

redevelopment for similar purposes as this would be supported by policies in the Regional Spatial Strategy and policy CF2 of the Borough of Crewe and Nantwich Replacement Local Plan.

Impact of the Development on the Campus and the Conservation Area

The landscaping and planting within the Conservation Area is a major element of its character. Whilst Reaseheath Hall and some of its associated buildings also contribute to the physical and visual qualities of the area's special interest and character, the landscaped setting of the college, particularly to the south, is an important component of the Conservation Area and integral to its intrinsic character.

The scaled down proposals under this application would involve only the loss of the existing Yew Tree within the courtyard of the Main Hall. As this tree is surrounded by built form on three sides it does not make any meaningful contribution to the Conservation Area. The existing landscaped areas which are to be built upon as part of this application are furnished with insubstantial shrub planting and do not contribute positively to the historic character of the Conservation Area. The loss of these areas would not adversely affect the Conservation Area.

Within the Conservation Area boundary the buildings comprise a number of key 19th century buildings with 20th century buildings to the north-east of the Conservation Area boundary. Immediately outside the Conservation Area are a range of buildings for different departments which relate to the function they perform. The setting of this part of the Conservation Area is one of a working college (teaching land based studies) with glass houses, storage buildings, traditional brick farm buildings, modern farm buildings and structures as well as the more modern buildings which have been added alongside the main access from Winsford Road. There is therefore considerable variety in form, design and appearance of buildings both within the Conservation Area and immediately adjacent to it.

The new development will link the Lord Woolley Sports Hall, Jodrell (residential) Hall, the Jim Humphreys Building and Reaseheath Hall. Reaseheath Hall is a two storey 19th century building, which is unlisted. It is however a focal point within the Conservation Area, and mentioned specifically within the Conservation Area Character Appraisal. The remaining buildings are two storey modern 20th century buildings of brick and render construction which lie to the north and east of the Hall. The areas to be demolished and refurbished are also 20th century brick additions however these are single storey. The replacement facilities and extensions would also remain single storey albeit marginally higher. This therefore reflects the existing form and scale of the existing catering facilities which link the two storey buildings to Reaseheath Hall.

The footprint of the built form of the catering facilities would be extended by approximately 265 sq. m. The extended footprint would be sited on areas of existing landscaping and would not extend into undeveloped areas of the Conservation Area or affect prominent views of the Main Hall from the south.

The proposed development would utilise modern materials and a modern design. Its flat roof will visually minimize its presence and its impact on the traditional historic main hall and the proposed use of bricks to match the hall is appropriate.

The proposal to re-build this single storey modern hipped roofed structure will result in the introduction of a single storey flat roofed building. The walls would be extended in height and larger openings provided. A glazed atrium to the seating area would be provided with a sloped mono pitch roof. The scale and style of which will link in visually with the adjacent modern buildings on the south-east elevation. The proposal to retain its set back would serve to give

more presence to the hall by removing a building with a style which is not in keeping with either the hall or the modern buildings beyond. The use of large areas of glazing and render would introduce a light weight appearance to the proposals. Whilst the Conservation Officer has concerns that the use of render may not be in keeping with the character of the Main Hall, it is considered that the contrast in appearance with the traditional appearance of the Main Hall serves to ensure that the alterations do not represent a pastiche and remain visually distinct to those buildings which contribute to the Conservation Area. In addition, the use of modern materials would also provide greater legibility to the existing entrance point.

The kitchen extension would be relatively inconspicuous given that this is a service area in a fairly remote part of the complex and due to the scale and external appearance, which minimises the amount of openings and would be of predominantly brick construction. As the new entrance ramp would remain as proposed under P08/1126 it would remain appropriate in respect to its relationship with the existing buildings and the Conservation Area.

The external seating areas would have a limited impact upon the existing buildings and the Conservation Area as these would not involve the erection of any built form. In addition, the external seating area adjacent to the proposed shop would not be visible from outside of the building as it is enclosed by built form on all sides.

The dining facilities and the Harvester lounge area are of no special architectural merit and are proposed to be partially demolished/ refurbished. The demolition of these areas is considered acceptable as those areas to be removed have no special merit and are in the main mid to late twentieth century additions. As such, they do not make a positive contribution to the character of the area.

Under application 09/1155N the Cross College building was to be demolished. This received permission in 2009. Development had been approved under planning permission P08/1126 for redevelopment of the site. Whilst this demolition can still occur even if the scheme under P08/1126 is not implemented, the demolition of the Cross College Foundation Building was considered not to have any adverse impact on the character and appearance of the Reaseheath Conservation Area. The buildings to be demolished have no special architectural merit and are of single storey construction within this group of college buildings which includes larger and more prominent buildings. As such, it is not considered appropriate to require the college not to implement this consent.

Highways

These proposals do not involve any alterations to the existing car parking arrangements. Under the previous application, car parking within the application area would have been removed and not have been replaced. However the alterations to the college car parking facilities were approved under P07/0541 as part of Phase 2 which included fifteen new spaces to be created.

A Transport Assessment was submitted in support of P08/1126 which indicated that at the time of the survey in June 2008 only 6 of the 24 parking areas at the college were over 90% used most of the day and a further 3 of the 24 were over 90% used at some time during the survey. An addendum to that Transport Assessment has been submitted in support of this application. It indicates that for the current Phase 4 and 5 applications, the predicted number of students and staff expected to attend college in the future has not changed since the issue of the original Transport Assessment. Therefore the above predicted increase in traffic flows associated with the Phase 3 redevelopment proposals are still applicable for this planning application.

The development would not reduce the amount of car parking spaces available at the campus and in the context of the wider Phase 4 and Phase 5 proposals, the existing car parking

provision is expected to satisfy additional future demand. It is therefore not considered necessary to provide additional car parking.

The larger developments permitted in Phase 1 and Phase 2 at the college had conditions for the submission of a Travel Plan. A similar condition was attached to P08/1126. However the condition attached to P08/1126 included a reference to incorporating further surveys of car parks, cycle parks and motor cycle parking to allow for monitoring of the facilities and their use. In addition, a condition to ensure that new secured covered cycle parking facilities are provided for the student hub was also attached. It is proposed to replicate these conditions on this application given that the predicted traffic flows associated with Phase 3 would also be applicable for Phases 4 and 5.

Owing to the geographical location of the College in relation to its catchment areas only a small number of staff and students currently walk to and from the college. Existing walking facilities in and around the college are good and the majority of those who do walk, walk from Nantwich town centre which is a 15 minute walk along safe footpaths with sign controlled crossing facilities. Footways are provided along the A51 in the vicinity of the college grounds and on both sides of the carriageway. The main pedestrian entrances to the college are via the four vehicular access points, including that which falls within the application site boundary, the B5074 Winsford Road.

As PPG13 indicates that 2km is an acceptable walking distance and the existing pedestrian links to Nantwich town centre are good, it is not considered appropriate to require improvements to the existing pedestrian footways.

The 2008 Transport Assessment also showed that cycle parking and motor cycle parking at the college were underutilised. As stated above, the findings of this survey are applicable to the Phase 4 and 5 proposals.

The Transport Assessment, its addendum and the Travel Plan submitted note the college's commitment to providing a cycle link to the proposed Crewe-Nantwich cycle route (Connect 2) and it also states that there are good cycle links to Crewe Station. Since 48% of staff live within 5 miles of the college in theory the majority of these people could cycle to the college. The information supplied by the college also shows that 15% of the current students live in the Crewe/ Nantwich/ Sandbach areas and many of these would therefore be within a suitable distance to cycle.

The Strategic Highways Manager has indicated that they are actively pursuing monies towards the Connect 2 cycle route to assist the delivery and maintenance of the route and associated signage.

Under the Phase 3 proposals, the Highways Authority (formerly Cheshire County Council) requested a contribution towards the Connect 2 cycle route in relation to all the applications. This was justified by the increase in student numbers at the college and the college's commitment to encouraging cycling in the Travel Plan. As the alterations from Phase 3 to Phase 4 and 5 would not alter the predicted increase in student numbers, it is considered appropriate to replicate a contribution in respect of the Phase 4 and Phase 5 proposals. This would be in accordance with policy BE.5 of the Replacement Local Plan which states that the Council will negotiate with developers for adequate access infrastructure where the need arises from the development.

Under P08/1126 it was considered that in order to assist the College in delivery of this development as a whole it was recommended that the applicant be required to sign a Section 106 agreement in relation to the application for the student hub and not in relation to the grant

of the planning permissions for the individual departmental developments. This was to assist the college with the timing of the delivery of the various developments but would also have ensured that the commuted sum payment would still be made. The student hub was to be the largest of the applications submitted and would have provided facilities for all students at the college. The trigger for the payment to be made was agreed as 'before the Student Hub is first occupied'.

The additional floorspace of the scheme approved under P08/1126 was approximately 2527 sq. m whereas it would be approximately 265 sq. m proposed under this application, a significant reduction in size.

It is acknowledged that the college has been unable to secure the LSC funding for the student hub which is why scaled down proposals have been submitted as part of this application. The new facilities for arboriculture, construction and engineering (ACE), new horticulture and animal management training and education resource, (HAMSTER) and new equine facilities have been put on hold.

Nevertheless, the college still intend to provide student HUB facilities, the Food Centre for Excellence, SAC, GENUS, courtyard suites and the animal management facilities. As there is still a clear intention to expand the facilities at Reaseheath and there remains a commitment to improving cycle links to the college, it is considered appropriate to require a contribution towards the Connect 2 cycle route despite that the scale of the redevelopment proposals has been reduced, as this application supersedes the P08/1126 permission.

The developer contribution towards the Connect 2 cycle route was calculated based on the likely increase in student numbers, and the addendum to the Transport Assessment indicates that these figures are applicable to the Phase 4 and 5 proposals. As such, it would be reasonable to require a comparable contribution.

The Council is currently negotiating a figure with Reaseheath College representatives taking into consideration the above issues. However no figure for the developer contribution to the cost of the cycle works has been agreed to date.

Ecology

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

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is
- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

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

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
 - a licensing system administered by Natural England.
- Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

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

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

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

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

The surveys commissioned in 2008 concluded that the buildings have variable potential for use by bats and that there is currently no evidence to suggest that the buildings on the application site have any importance for bat and barn owl conservation. There were a number of birds nests found associated with a number of the buildings proposed for demolition. The surveys recommended precautionary measures in respect of bats and nesting birds. This was a condition of the P08/1126 permission. Whilst these surveys are over 12 months old and therefore out of date, the Council's Ecologist has indicated that the survey results would still be applicable as the buildings have low potential to form a suitable habitat for roosting bats or barn owls and the buildings could in all likelihood still contain nesting birds during the breeding season. The 2008 survey makes reference to the fact that Great Crested Newt eggs were found in a pond on the campus 220m away from the application site. However the Surveyor in 2007 concluded that in relation to the built area of the campus, Great Crested Newts were unlikely to be found due to the inhospitable nature of the site. The 2008 assessment concurred with this conclusion and the Council's Ecologist has indicated that these conclusions would be applicable to the proposals in respect of this application.

Archaeology

There is an Ancient Monument north of the access road and some 210m east of the application site with a number of buildings separating the Ancient Monument and the application site. In relation to application P08/1126 English Heritage recommended that steps be taken to ensure that no development or construction activities impact on the ancient monument (to the north of the access road) either through use for storage land or as a result of alterations to the access.

There is no proposal to alter the access in any way. The field is separated from the college areas by a post and rail fence and there is no proposal in any of the submitted applications to

use this land. A condition would be required to ensure that no storage would take place on the archaeological land. This would replicate the condition attached to P08/1126.

Trees/ Landscape

The proposals result in the loss of three areas of landscaping around the existing main hall and catering building. One Yew tree, which is presently enclosed on three sides by buildings, would need to be removed. Under the previous application (P08/1126) the removal of this tree was considered acceptable. This was because the application was supported by a tree report indicating that the tree only had a life span of 50 years and because it was surrounded by single storey buildings close to it, it had limited amenity value. These arguments are still relevant as the condition of the tree and its relationship to the wider area has not changed since 2008. A replacement tree would be able to make a more meaningful contribution to the setting of the site by adding to the other large mature trees, which would be retained, and which are more prominent in the landscape. The mature tree to be felled would need to be inspected for bats immediately prior to felling commencing.

A number of younger recently established trees within the areas of existing landscaping would need to be removed. The impact of this on the setting of the site would be limited. Mature trees adjacent to the site would be unaffected by the development but a condition would be attached to any permission to provide protective fencing around the outer limits of the crown spread of such trees to ensure no storage of materials or other related construction activities take place under the trees.

Other Matters

Drainage

Permission P08/1126 included a condition for the implementation of the drainage scheme submitted with the application. As no details of the drainage scheme have been provided it is considered necessary to condition the submission of these details.

Waste Disposal

Policy 11 of the Cheshire Replacement Waste Local Plan requires the submission of a waste audit. The applicant has indicated that the new proposals will incorporate a recycling station for students and staff to recycle waste prior to distribution to the existing college recycle points. These details are not included within the submission however it is considered that this issue can be addressed through the imposition of a condition that such facilities be provided. This is to ensure the development would accord with the above policy.

Amenity

There is one dwelling very close to the site of the existing facilities to be refurbished. The proposed development would result in a building that is marginally higher than the existing buildings. However the dwelling affected is occupied by a member of staff who already lives in close proximity to the student accommodation. Sufficient space is retained to protect residential amenities (in respect of overlooking and loss of light) appropriate for a dwelling located within the campus. Whilst it is acknowledged that any odour or noise generation and the impact of this on the dwelling is a pre-existing condition, the catering facilities would be extended and as such it is considered necessary to condition details in relation to ventilation and odour extraction. This would ensure that the proposals would not make this existing situation materially worse.

Retail

The proposals involve the provision of a shop and café within the catering facilities. As this is sited within heart of the campus, it is considered that this will be utilised in solely an ancillary capacity serving the students and staff at the college only. It would therefore have no impact whatsoever on the retail offer at Nantwich or Crewe Town Centres.

CONCLUSIONS

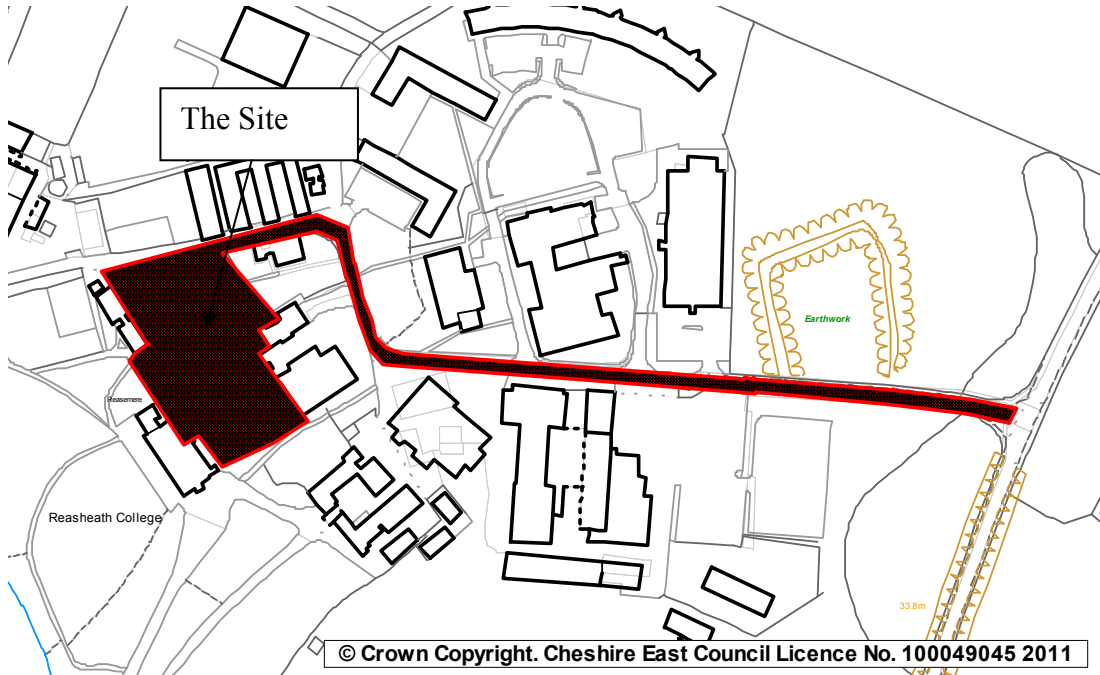
The proposed student hub will provide a modern building located within the Reaseheath Conservation Area. The development will link adjacent retained college buildings and is appropriate for the role it performs within the college. The development will, subject to conditions, preserve the character and appearance of the Conservation Area through its position set back from the traditional building of Reaseheath Hall and the retention of trees around the development. The development will not have any adverse impact on residential amenities at the adjacent college residence and subject to further survey work immediately prior to the demolition of buildings will not adversely impact on protected species. A commuted sum payment is required as a contribution to the delivery of the proposed cycle route between Crewe and Nantwich to improve the sustainable transport links to the college.

RECOMMENDATION

APPROVE subject to the signing of a legal agreement to secure a commuted sum payment as a contribution to the cost of delivery of the Crewe-Nantwich Cycle route known as the Connect 2 scheme and the following conditions:

- 1. Standard time**
- 2. Plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Landscaping scheme, including specimen replacement tree for yew which is to be felled**
- 6. Implementation of landscaping/ maintenance**
- 7. Tree Protection measures**
- 8. Details of drainage scheme**
- 9. External lighting**
- 10. Emergence survey for bats or recheck all buildings to be demolished immediately prior to demolition**
- 11. Bat survey of tree to be felled immediately prior to felling**
- 12. Work to proceed in accordance with recommendations for bat and birds and advice to personnel in bat survey**
- 13. Protection to ancient monument**
- 14. Travel Plan to include surveys of access by car, motor cycle and cycle**
- 15. Covered secure cycle parking**
- 16. Recycling Facilities**
- 17. Odour Extraction and Ventilation**

Location Plan



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Application No: **10/3951C**

Location: **Booseys Garden Centre, Newton Bank, Middlewich, CW10 9EX**

Proposal: **Redevelopment of Site to Erect One A1 Retail Unit with Mezzanine Level and Associated Engineering Works, Car Parking, Landscaping and Service Yard Area**

Applicant: **Radcliffe Developments (Cheshire) Ltd**

Expiry Date: **15-Feb-2011**

Ward: **Middlewich**

Date Report Prepared: **19th January 2011**

SUMMARY RECOMMENDATION – Refuse Permission

MAIN ISSUES

- **Principle of Development**
- **Retail Impact and Town Centre Considerations**
- **Design, Character and Impact**
- **Residential Amenity**
- **Highway Safety and Accessibility**
- **Environmental Health Related Issues**
- **Trees and Landscape**
- **Flood Risk and Drainage**
- **Archaeology**
- **Ecology**

REASON FOR REPORT

The application proposes a small-scale major development in excess of 1000m² floorspace.

DESCRIPTION OF SITE AND CONTEXT

The application site extends to include three separate parcels of land comprising Booseys Garden Centre, Middlewich Auto's and a residential dwelling at no 65 Chester Road known as 'The Bungalow'. In total the site amounts to approximately 1ha comprising for the most part, previously developed land with the exception of curtilage associated with the Bungalow.

The site is located within the Settlement Zone Line and lies to the northwest of Middlewich Town Centre. In retailing terms, it falls to be considered as an 'Out of Centre' site; something discussed in more detail later into the report.

At present, both Booseys Garden Centre and Middlewich Auto's remain in active commercial use and the Bungalow in residential use.

In terms of built form, the site contains a broad mix of building types. In the case of Booseys, buildings principally comprise large commercial greenhouses and canvas awning structures but also extend to include a number of small brick built units as well as a large conservatory extension. Middlewich Autos meanwhile comprises a range of brick built commercial buildings that serve to provide a showroom area, vehicle service area and small valet bay; there is also a large outdoor display sales area. 65 Chester Road being a small post-war bungalow set within a sloping plot that contains a number of trees including a large TPO Beech.

In the wider context, the site frontage faces northeast adjoining both Chester Road and Newton Bank which in turn form part of the larger gyratory system controlling traffic entering the town from Winsford off the A54 and both Northwich and Crewe off the A530. Properties adjacent to site frontage comprise two storey terraced housing, two and three storey Victorian Villas and the three storey 'Golden Lion' public house.

The sites southeastern boundary directly adjoins the side garden boundary of 29 Newton Bank and the rear garden boundaries of residential properties within The Crescent; two-storey post-war semi detached properties that directly overlook the site.

The southwestern boundary of the directly adjoins the side garden boundary of 5 Buckfast Way and rear garden boundaries of properties within Lindisfarne Close (no's 4, 6, 8 & 10). Similarly, the sites northwestern boundary directly adjoins the side boundary of Acer House, 67a Chester Road and rear garden boundary of Culver House, 67 Chester Road.

Site levels vary significantly across the site manifested by a series of slopes and terraced platforms across the site. More generally, the site could be described as having a southwest to northeast slope but a with a prominent east to west slope to the site frontage along Newton Bank into Chester Road. As a result Booseys Garden Centre sits on a higher, but gently sloping platform above Middlewich Autos that is cut into a terraced platform approximately 1-3m below the Booseys site.

In terms of landscaping, the site currently has a high level of tree coverage with mature hedges around the site boundary. In the case of both 29 Newton and 11 The Crescent, these are screened by a substantial Leylandi hedge with Buckfast Way and Lindisfarne Close being screened by Beech and Holly Hedges respectively. In the northwestern section of the site is a large TPO Copper Beech that is particularly prominent within the wider area.

DETAILS OF PROPOSAL

The application seeks permission for the redevelopment of the site to erect a single A1 retail unit, with mezzanine level, along with associated engineering works to create a car park and service yard area.

In overall terms, the scheme would comprise a single, two-storey retail unit 59m wide (across the site frontage), 42m deep with a roof height ranging from 9.4m on the eastern elevation to 10.2m in the northeastern corner at the customer entrance. Elevations comprise red brick walls interspersed with smooth, flat grey panels and ground floor windows covered with a simple canopy. The building would have a flat roof hidden behind a mansard roof that runs around the outer perimeter of the building.

Internally, the store would provide a Gross Internal Area (or GIA) of 2660m² comprising the sales floor, food preparation areas and warehouse area along with ancillary accommodation on a first floor mezzanine level. In retail floorspace terms, the store would provide a Net Sales Area (or NSA) of 1390m² that would be split/disaggregated to provide 1110m² for the sale of convenience goods (food and drink etc) and 280m² for the sale of comparison goods (clothes and footwear etc).

Access to the store for both customers and delivery vehicles would be gained from Newton Bank utilising the existing garden centre access. This would lead into a 182-space car park area, which wraps around the northern and western elevations of the store, and the service yard road that runs along the eastern elevation and into the service yard area at the rear, or southeast, of the building. A further pedestrian access is also proposed via a staircase leading from the site down onto Chester Road

The redevelopment of the site would also see the existing site levels substantially altered in order to create a level development platform across the site. As a result, levels would be reduced at the rear of the site, through the construction of a service yard area 1.8–2m below Buckfast Way and Lindisfarne Drive, but raised substantially along the Newton Bank and Chester Road site frontage (by 4m at the highest point) thereby necessitating erection of a large brick retaining structure.

A detailed landscape plan has also been submitted including various details of new, replacement planting, boundary treatments and external works detailing.

RELEVANT HISTORY

Whilst the site has an extensive history, the following planning applications are relevant to the determination of this application:-

29830/1 (1998) Booseys Garden Centre – Construction of Retail Foodstore - Withdrawn

08/0071/FUL – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment to provide a terrace of class A1 retail units and a stand-alone unit suitable for A class uses. Approved 20th August 2010.

Also, for reference due to its retail nature: -

09/1686C PACE Centre, Wheelock Street, Middlewich. Proposed foodstore development with associated parking, servicing and landscaping, & additional A1, A2, A3 Units at Land adjacent to Wheelock Street and St Anns Road. Approved 21st August 2009.

POLICIES

National Policy

PPS1 'Delivering Sustainable Development' and supporting documents

PPS4 'Planning for Sustainable Economic Growth'

PPS4 'Practice guidance on need, impact and the sequential approach'

PPS5 'Planning for the Historic Environment'

PPS9 'Bio-diversity and Geological Conservation'

PPG13 'Transport'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'
PPS25 'Development and Flood Risk'

Regional Spatial Strategy

DP1 'Spatial Principles'
DP2 'Promote Sustainable Communities'
DP3 'Promote Sustainable Economic Development'
DP4 'Make the Best Use of Existing Resources and Infrastructure'
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'
DP6 'Marry Opportunity and Need'
DP7 'Promote Environmental Quality'
DP9 'Reduce Emissions and Adapt to Climate Change'
RDF1 'Spatial Priorities'
W5 'Retail Development'
RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM1 'Integrated Enhancement and Protection of the Regions Environmental Assets'
EM2 'Remediation Contaminated Land'
EM5 'Integrated Water Management'
EM11 'Waste Management Principles'
EM16 'Energy Conservation and Efficiency'
EM18 'Decentralised Energy Supply'
MCR4 'South Cheshire'

Local Plan Policy

PS4 'Towns'
GR1 'New Development'
GR2 'Design'
GR4 'Landscaping'
GR6 'Amenity and Health'
GR7 'Amenity and Health'
GR8 'Amenity and Health'
GR9 'Accessibility, Servicing and Parking Provision'
GR10 'Accessibility, Servicing and Parking Provision'
GR14 'Cycling Measures'
GR15 'Pedestrian Measures'
GR17 'Car Parking'
GR18 'Traffic Measures'
GR19 'Infrastructure'
GR20 'Public Utilities'
GR21 'Flood Prevention'
NR1 'Trees and Woodlands'
NR4 'Non-statutory Sites'
NR5 'Enhance Nature Conservation'
S1 'Shopping Hierarchy'
S2 'Shopping and Commercial Development Outside Town Centres'
S11 'Shop Fronts'
S12 'Security Shutters – Solid Lath'
S13 'Security Shutters – Lattice/Mesh Grilles'

S16 'Environmental Improvements and Traffic Management Measures'
DP4 Retail Sites 'Middlewich M1 - Wheelock Street / Darlington Street'

Other Material Considerations

- Cheshire Town Centre Study 2006 to 2021
- The Cheshire Replacement Waste Local Plan March 2010
- Cheshire and Warrington Market Town Investment Prospectus
- English Partnerships Employment Densities Manual
- Circular 11/95 'Planning Conditions'
- Circular 05/05 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies – Forthcoming Abolition

CONSULTATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to a number of conditions.

Highways:

No objection to the proposed development subject to conditions to secure off-site highway works for footpath improvements to, and part signalisation of, the Newton Bank gyratory and the signing of a S106 Agreement in order to secure a Travel Plan and contribution towards the improvement/addition of local bus services.

Environmental Health:

17th December 2010.

No objection to the proposed development subject to a number of comments relating to contaminated land, air quality and environmental health related issues and advisory notes such as control of construction hours.

In the case of environmental health related issues, it was recommended that HGV access during the construction period should be restricted to 9am - 5pm, acoustic fencing should be erected in accordance with the applicants noise report, a scheme for acoustic enclosures for fans, compressors and other noise equipment submitted and external lighting agreed. Additional information was however sought in relation to the delivery times, and the recommendation that they shall not be made between the hours of 22.00pm and 07.00am, having regard to the close proximity of residential properties and the potential for unnecessary complaints.

In terms of air quality some clarification was sought in relation to monitoring points and additional information sought in relation to air quality mitigation. It was also requested that the travel plan be secured and measures to reduce any potential harm to air quality during the construction period.

17th January 2011

Following further consideration of the application Environmental Health stand by their original comments that more information about the need for late night deliveries. EH confirm that they

would be looking at some restriction on times, for example, 7am-8pm Monday to Friday, 9am-1pm on Saturdays and no deliveries on Sundays (subsequently amended to 9am – 1pm). However EH acknowledge that as we have given permission for the service yard in the previous application, they would be hard pushed to not allow it in this current application. By restricting the times of deliveries there should be no disturbance from noise at night, when the background noise level is quieter, from the service yard. The acoustic fencing will also aid sound attenuation

VIEWS OF MIDDLEWICH TOWN COUNCIL

Oppose the application because they consider that an additional large supermarket is not necessary as the Town is already well served by existing or planned supermarkets within the Town.

OTHER REPRESENTATIONS

To date, a total of 6 objections have been received to the proposed development. The main areas of concern can be summarised as follows: -

Retail Impacts

- Concern that the proposed development will have a harmful impact on Middlewich Town Centre, exacerbating a decline in Wheelock Street.
- That newly built, small retail units in the town centre are still vacant.
- Whether the development would result in Wheelock Street and Middlewich more generally struggling to compete.
- Accept that Middlewich needs new business but that they should be in the town centre. It does not need a gravitational pull away from the existing businesses, many of which are poised on a knife-edge.

Highway Safety and Congestion

- Concern over existing levels of congestion and that the area cannot accommodate the proposed traffic.
- Concerns over the nature and volume of construction traffic.
- Concern over accident risk

Impact on Residents and character

- Impact of the development on The Crescent in terms of loss of views and the size and impact of the proposed structure.
- Concern over the impact of additional lorry movements and times of operation associated with the proposed development over and above those at which Booseys currently operates.
- Concern over noise.
- Concern over the impact of any external lighting and any security fencing.
- That the area is predominantly residential and any such development would not be in keeping with the area.

A number of other comments were also made by the objectors in relation relating to loss of property value and concern over ownership of land within the application site boundary. However these are not matters that can be taken into account in the determination of the application.

APPLICANT'S SUPPORTING INFORMATION

Plans, Elevations and Design & Access Statement
Planning Statement, PPS4 Retail Impact Assessment and RSS Update
Transport Assessment
Land Contamination Report,
Air Quality Assessment
Noise Assessment and Update
Tree Survey Report and Update
Heritage Statement
Site Waste Management Plan
Ventilation and Extraction Statement
Flood Risk Assessment
Planning Obligation Statement
Amended Proposed Site Plan
Amended Proposed Elevation (Sheet 1)
Amended Proposed Elevation (Sheet 2)

OFFICER APPRAISAL

Principle of Development

In submitting this application, the applicant's consider that the existing retail use on the site and extant planning permission are material considerations of significant weight because they establish the principle of retailing on the site. However, whilst officers accept that they are material, we do not consider that the weight that can be attributed to them is significant.

Whilst the current site contains Booseys garden centre and nursery, along with a car sales and repair business, these operate at a much lower intensity of use than the proposed supermarket and therefore the proposed development represents a significant intensification of use on site in comparison to the existing use.

Similarly whilst the extant permission contains an 'allowance' for up to 1318m² convenience floorspace within the total overall floorspace, it was subject to conditions which required subdivision with the effect that no one unit could provide a single convenience store of that size. This is important because the impact of five units combining to create 1390m² convenience floorspace (the amount now proposed), but trading separately are unlikely to be anywhere near that of the proposed single supermarket unit that represents a much greater intensification in terms of retailing.

The weight to be attached to the extant permission as a 'fallback position' is also questionable because the applicants appear to suggest that there is no market support for their extant scheme; a point which the Council's retail consultant found to be no surprise. He advised that the population of the local catchment area and proximity to other competing local centres make it difficult to see who would occupy any units built out under the extant permission. In convenience terms, the units would be too small for discount operators and too big for the likes of Spar or the Sainsbury's 'Local' format for example.

The impacts associated with the extant permission are also very different to those associated with the proposed supermarket. In effect the proposed scheme amounts to significant intensification of the use of the site evidenced by the substantial increase in car parking over and above the extant scheme. The proposed scheme therefore falls outside the parameters of the extant permission which imposed conditions on the permission to control the use and prevent amalgamation of units on the site. The principle of retail development in the manner proposed must therefore be considered afresh.

Whilst other factors such as the sites previously developed status (policy NR6 and RSS policy DP4) and location within the settlement zone line (policy PS4) fall to be considered as material, the main consideration in assessing whether the principle of development is acceptable is PPS4 and Local Plan policy S2 which are now considered in more detail.

Retail Impact and Town Centre Considerations

In support of their case, the applicant's submitted a planning statement and retail impact assessment which sought to demonstrate, amongst other things, that the proposed scheme: -

- Represents a 39% reduction in previously approved Gross Floorspace and yet remains within the parameters of the extant permission.
- Could be accommodated in addition to the approved scheme for redevelopment of Wheelock Street by Tesco & Briden Investments
- Satisfies PPS4 in terms of EC10, EC15, EC16 and EC17
- Would improve the range and quality of retailing within Middlewich, whilst remaining complementary to the traditional town centre.
- Allow for retention of greater proportion of locally generated expenditure and would help to reduce the need for local residents to travel in order to meet their daily shopping needs.

Officers do not agree with the applicant's assessment however and consider the proposed development would be unacceptable for reasons discussed in more detail below.

EC15 'Sequential Assessment'

Whilst the applicants consider the site to be PPS4 'Edge of Centre', because the site falls within 300m of the town centre, officers do not agree for a number of reasons.

Firstly the application site is located further away from the defined primary shopping area (PSA) on Wheelock Street than the existing Lidl store which is categorised as out of centre site by White Young Green within the Cheshire Town Centre Study.

Secondly Annex B of PPS4 advises that 300m is a maximum and that a range of other local circumstances must also be considered including factors such as the strength of attraction and size of the town centre and barriers to pedestrian movement. In this respect, Middlewich is not considered to have a particularly strong centre whilst the route to the site from the town centre comprises largely dead frontage making the route less attractive. Significant barriers to pedestrian access also exist in the form of two busy roads and entrance to the Lidl car park. Whilst it is acknowledged that there is an existing crossing over the A54, and another proposed near to the site, it forms a barrier to pedestrian movements slowing down the walking trip to the town centre. The proposed development should therefore be considered as 'Out of Centre'.

Notwithstanding this, officers would accept that the scheme may generate some trips to the town centre albeit not that significant due to the distance and barriers. As a result the supermarket would operate as a predominantly stand alone one-stop shop.

On that basis, the applicants should therefore have reviewed other out-of-centre sites as part of the sequential assessment which they have not done; although they do however consider the allocated site within the town centre which benefits from permission for a new food store following an application by Tesco and Briden Investments. The site is dismissed however as being neither available to the applicant or viable specifically ignoring advice within PPS4 (Practice Note) at paragraph 6.41, which states that sequentially preferable sites cannot be dismissed on the basis that it is not available to the developers or retailer in question, and paragraph 6.50 (viability) where it is stated sufficient time must be allowed for the assembly of town centre sites.

A further concern relates to the fact the applicants suggest, because the extant permission was considered at the same time as the Tesco / Briden application, capacity exists for both schemes. In this respect it has already been demonstrated that the extant permission is very different and far less intense form of retailing than is now proposed. Crucially however, there is insufficient convenience goods capacity within Middlewich for both the Tesco / Briden scheme and the applicant's proposal and as a result, the proposed scheme would have a prejudicial effect on the delivery of the sequentially preferable Tesco / Briden scheme (the impact of which is discussed in more detail within the forthcoming sections).

EC16 'Impact Assessment'

Officers also have significant concerns in relation to the impact of the proposed development and these are now discussed in more detail below.

Methodology

To begin with, and before considering the detailed impact tests identified under EC16, it is important to identify a number of problems with the applicant's Retail Impact Assessment which serve to raise doubts over the validity of its findings. Sales densities for both proposed store, as well as the existing and proposed Tesco stores, were underestimated and the current amount of convenience floorspace within Middlewich understated. When these incorrect figures are carried over into subsequent impact assessment tables, the effect is to mask the fact insufficient capacity exists (to accommodate both the Tesco/Briden scheme and the applicant's proposed development).

In addition the level of trade which the applicants predict to be achieved from clawed back expenditure (i.e. money currently being spent outside Middlewich) is overestimated. Whilst there is no doubt some trade will be clawed back, there will also be significant trade diversion from local stores in addition to the existing Tesco and Lidl which the applicants do not draw upon. The assessment also fails to identify there is likely to be a greater trade draw from local top-up expenditure in Middlewich Town Centre.

EC16.1(a) Impact on Investment and EC16.1(c) Impact on Allocated Sites

In terms of the impact that the proposed scheme will have on proposed investment, there is major concern that the proposal would compete directly with the Tesco / Briden scheme and therefore discourage the proposal / investment from coming forward. Whilst the applicants

state capacity exists for both schemes, it has already been demonstrated that this is simply not the case. The proposal is therefore likely to undermine investment within the town centre both directly, in terms of the Tesco / Briden scheme, and indirectly in terms other convenience stores suffering trade diversion. Furthermore, operator demand in the centre is not strong and investor confidence is likely to decline if the proposed out of centre scheme is approved. As a worst-case scenario, it may also encourage the prospective operator of the Briden scheme to relocate to the out-of-centre application site.

EC16.1(b) Impact on Vitality and Viability.

One of the applicant's main arguments is that the proposed development, alongside the approved Tesco / Briden Scheme, will help claw back convenience goods expenditure currently leaking from the town. Whilst the report has already acknowledged this will happen to an extent, it is considered that the proposal would not claw back that much leakage over and above that which would be achieved by the Tesco / Briden scheme for a number of reasons.

Firstly, neither the Tesco / Briden scheme or applicant's proposal are as big as more distant competing superstores in Northwich, Winsford and Crewe; secondly the Cheshire & Warrington Market Town Prospectus indicates that the many of the economically active people in Middlewich commute out of town each working day and will therefore combine commuting with top-up and/or main food shopping trips. Therefore, the applicant's 94% retention/market share levels will never be achieved.

The effect of the proposed development would therefore be to divert much more trade from the existing / proposed Tesco supermarket as well as from existing town centre stores with which it would compete directly for top-up expenditure. This is an important point because both the existing and proposed Tesco generate footfall for the town centre with the result that the proposed scheme would impact directly not only on competing convenience stores in the town (multiples and independents) but would also reduce footfall levels in Middlewich, one of the key indicators of vitality and viability. Whilst it is accepted that some people may park and walk into the town centre, the level of trips would be insufficient to offset the trips removed from the existing and proposed Tesco stores. In turn the reduction in footfall would also be likely to exacerbate the already very high vacancy rate (also a measure of vitality and viability) within Middlewich town centre. In conclusion the proposed development, both individually & cumulatively, will have a significant adverse impact on the vitality and viability of Middlewich town centre.

EC16.1(d) Impact on Trade / Turnover

In the previous paragraphs, it was demonstrated that the impact on the town centre will be far greater than that estimated by the applicants. Additionally, it must be noted that the policy test is concerned with the impact on trade, not just turnover, and the true impact (or loss of net profit) is not proportional to the impact on turnover, particularly for small independent shops. The conclusion is therefore that the proposal will have a negative impact on the trade and turnover of Middlewich Town Centre.

EC16.1(e) Appropriate Scale

Were it to be accepted that the application site falls to be considered as an edge of centre site, which it is not, it is necessary for the applicant's to demonstrate that the proposal is of an appropriate scale. The reasons for dismissing the applicant's case on this point have already

been made clear however. The proposed scheme is far more intensive than the extant 2008 permission, which in any case is unlikely to be implemented, falls outside the parameters of the conditions imposed by the permission and will have far greater impact on the town centre in direct contravention of S2. Additionally, when the proposal is considered cumulatively with the Tesco / Briden scheme, there isn't sufficient capacity for both schemes further demonstrating that this proposal is inappropriate in scale.

EC10.2 Impact Considerations

Policy EC10.2 also sets out five criteria against which all planning applications for economic development must be assessed.

EC10.2 (a) Impact on CO2 emissions

In general terms it is accepted that the proposed building is likely to be more energy efficient than those currently found on site. Its credentials could be further enhanced through imposition of a 10% renewable energy condition (RSS policies EM17 & EM18) and through imposition of a condition requiring the building to achieve a BREEAM Very Good Standard. The main concern however is the potential for the store, as an out of centre site, to encourage a modal shift from foot, cycle or bus (in the case of visitors to the town centre) to car use to visit this proposal which would clearly adversely affect emissions.

EC10.2 (b) Accessibility

In general terms the Strategic Highways Manager (SHM) is satisfied that the site is accessible. The tests applied by the SHM however are different to those considered in terms of the retail impact. In this respect, the site lacks the accessibility of those within the town centre, is more difficult to access by bike or foot and is located in the northwest of the town when the majority of the population reside to the south of Middlewich. The site is not therefore as accessible as the town centre.

EC10.2 (c) Design

This matter is covered in more detail within the next section; suffice to say it is not considered that the scheme represents high quality design which would have a positive impact in terms of this particular test.

EC10.2 (d) Impact on Economic and Physical Regeneration

Whilst it is likely that the scheme would deliver some benefit through the removal of a number of somewhat unsightly buildings, any such benefits would be substantially outweighed by concerns over the impact that the proposed scheme would have on the delivery of the Tesco / Briden scheme that is of critical importance to town centre regeneration. Officers' expended significant time to secure a high quality scheme that was right for the town centre and which generates maximum level of linked trips. The applicant's proposal, for reasons discussed in detail in preceding sections, jeopardises the delivery of the Tesco / Briden scheme and would have a potentially negative impact on the economic and physical regeneration of Middlewich.

EC10 (e) Impact on Local Employment

Whilst the applicants suggest that the scheme is likely to generate 100 full time equivalent (FTE) jobs, this is not a figure accepted by officers. When the scheme is considered against the English Partnerships Employment Densities Manual the number of FTE jobs is likely to be only around 29. Given that existing jobs would be lost off the site, and because the applicants do not present a realistic trade draw assessment, we do not know if these 29 FTE jobs are

likely to displace any jobs in the town centre or other local supermarkets or superstores further afield. It is therefore officers' opinion that no weight can be attached to the employment generation claims of the proposal.

In conclusion, and to draw retail matters to a close, PPS4 Policy EC17.1 advises that planning applications for retail development should be refused where they fail to satisfy either the sequential approach to site selection (EC15) or the impact assessment (EC10 & EC16). The above sections clearly demonstrate the proposal satisfies neither of these policy tests and it is therefore recommended that the application is refused on retail grounds.

Design, Character and Impact

The application as originally submitted was considered to be extremely poor. It was utilitarian in appearance with only one glazed section to distinguish the entrance to the store in an otherwise bland and featureless elevation. It related poorly to scale, mass, character and appearance of buildings within the immediate area, particularly the Victorian Villa's on Chester Road which define the context in which the proposal sits and lacked any of the subtlety of the previously approved scheme which broke up massing with a series of glazed entrances and canopy features serving each individual unit. The proposed landscaping scheme would also only serve to provide limited benefit to mitigate the harm.

Whilst revised plans have now been submitted to address concerns over design, it is still our view that the proposed development does not achieve a high enough standard of design which serves to take the opportunity improve the character of the area and the way it functions (PPS1 paragraph 35).

The building remains utilitarian in appearance and stands isolated behind a sea of surface level car parking. The requirement for a retaining wall creates a large, oppressive and ultimately incongruous feature within the Newton Bank and Chester Road frontage that harms not only the character and appearance of the area but also physically severs and isolates the site with little regard to human scale. Whilst it is accepted that the previously approved scheme also utilised a retaining wall, it was implemented in far more appropriately with its scale mitigated through the presence of a two-storey unit that bridged the levels between the site and Chester Road.

Whilst it is accepted that the proposed development must be viewed against the poor quality buildings which currently occupy the site, the test within PPS1 is not merely whether the proposal is better than what is currently on the site but that *"design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted"*.

Nonetheless, on balance, it is difficult to advocate refusal of the scheme on design grounds simply because the scheme, for the most part, mimics the previously approved design in terms of scale, mass and to a certain degree elevational treatment. To that end, it is considered that a reason for refusal on design grounds could be difficult to sustain at appeal despite the fact a much better design solution could undoubtedly be negotiated.

Residential Amenity

In overall terms, whilst the relationship between the proposed development and adjoining neighbouring properties is very finely balanced, it is considered that the proposed

development would comply with the requirements of GR1 (iii), GR2 (I) (D), GR6 and GR7 providing conditions were imposed.

Visual Amenity, Light and Privacy

In terms of visual impact, the scheme largely replicates the scale, mass and positioning of the extant 2008 permission, albeit with a reduced width.

One area of concern however relates to the loss of existing hedges along the sites southern boundary, more particularly the attractive Beech hedge located adjacent to no5 Buckfast Way that provides and an attractive boundary treatment between the two properties and serves to provide a degree of 'soft' screening between the application site and dwelling that could have screened the proposed service yard area. Whilst retention of the hedge would therefore clearly have been desirable, we do not consider that a reason for refusal on such grounds could be sustained because the hedge could be removed, lopped or trimmed at any time without consent from the Council. It is also questionable whether it would have survived the construction works to erect the proposed retaining wall in any case.

In respect of the removal of the Holly Bushes adjacent to the rear gardens of properties on Lindisfarne Close, it is highly likely that removal of these would bring about amenity benefits to adjoining residents given their height, proximity and resultant loss of light. In addition the scheme makes provision for replacement planting which, whilst would clearly take time to establish, is considered to be sufficient to preserve amenity for these dwellings.

Whilst the biggest potential impact on visual amenity is likely to result from the impact of the service yard area to residents on The Crescent, Buckfast Way and Lindisfarne Close the scheme merely replicates the layout of the extant scheme albeit with alterations to service door arrangements.

Service Yard and Delivery Noise

The main concern in terms of impact however relates to noise from the service yard area and the impact this could have on the amenity of nearby residents, particularly dwellings at 5 Buckfast Way and 8 & 10 The Crescent.

In dealing with this matter, it is important to note that the extant 2008 permission related principally to the sale of comparison goods which would have been less intense and would require less deliveries than a solely convenience goods store. In addition, the service doors on the extant 2008 scheme were spread across the rear elevation at regular intervals thereby avoiding a concentration of activities in any one spot.

In the case of the scheme now proposed, it is considered the store will require more deliveries of fresh produce such as bread, milk and vegetables on a daily basis. Whilst this may not have been drawn out within the applicants Transport Assessment, or referred to by the highways engineer, this is based on experience of other food store schemes. In dealing with this issue, the applicant's assert that a restriction on delivery times (between 7am & 10pm), coupled with a 3m acoustic fence would protect amenity. Environmental Health are more cautious however indicating that the hours restriction needs to be more tightly controlled if amenity is preserved having specific regard to intensification, the single delivery point (with scissor lift access) and potential for significant noise from the steel cage pallets more commonly used for the delivery of frozen and refrigerated foods.

Taking all the factors into consideration, officers consider that providing the hours of delivery were restricted to those recommended by Environmental Health, the site could operate satisfactorily. Were the scheme recommended for permission, it would also be suggested an additional condition be imposed to secure a more comprehensive scheme for noise mitigation in the form of an acoustic screen around the loading bay entrance closest to the noise source.

Whilst the applicants may seek to argue this is overly restrictive, and likely to adversely affect the chance of attracting a tenant, it is considered that such restrictions are necessary to protect residential amenity and in order to comply with the requirements of policies GR1 (iii), GR2 (l) (D), GR6 and GR7. In this respect however, the onus would be on the future occupier to carefully consider the restrictions as part of the site selection process.

Highway Safety and Accessibility

Following detailed consideration of the proposed scheme and Transport Assessment, the Strategic Highways Manager is satisfied the proposed scheme is acceptable from a highway safety and accessibility perspective.

Whilst the proposed access leads directly onto the Newton Bank gyratory, which objectors consider cannot accommodate the development, the Strategic Highways Manager (SHM) is satisfied that the gyratory has capacity to accommodate development traffic albeit subject to the requirement for off-site highway works that would be secured by way of Grampian condition. This would involve part signalisation of an arm of the gyratory, installation of pedestrian crossing point adjacent to the site frontage with Chester Road and various improvements to pedestrian crossing points and pavements along Chester Road.

In terms of accessibility more generally, rather than the more detailed considerations associated with PPS4, the SHM is satisfied that the site is sufficiently accessible by a range of transport modes including pedestrian and cyclists. It would however be necessary for the applicants to enter into a S106 in order to secure the proposed Travel Plan along with a financial contribution towards the improvement of/or addition to local bus services to secure quality partnership standard bus-stops (totalling £25,000).

It is therefore considered that the proposed development would satisfy the requirements of Local Plan policies GR1, GR9 and GR18.

Environmental Health Related Matters

In terms of remaining Environmental Health considerations, it is considered that the proposed development would satisfy the requirements of Environmental Health. In the case of air quality, whilst it would be necessary to secure a number of measures to mitigate the potential impact of development traffic on an area that is falling close to being designated as an AQMA, these could be secured by way of condition on any permission.

In terms of contamination, whilst further investigations are needed, it is considered that a suitably worded condition could be attached to cover the requirements for assessment and remediation. Similarly, whilst the site is likely to require the installation of plant and equipment, Environmental Health is satisfied that a detailed scheme could be secured by way of condition prior to installation. The requirements

of Local Plan policies GR6, GR7 and GR8 would therefore met subject to imposition of conditions.

Trees and Landscaping

Following the submission of amended plans, the concerns in relation to the impact that the scheme would have on the protected trees within the curtilage of No67 Chester Road (Shown as 65 on maps and plans) have been addressed. The retaining wall that previously significantly encroached into the root protection zones (RPZ) has now been pulled back outside the RPZ thereby removing the cause of any potential harm to the trees.

Members will also have identified that the scheme results in removal of the majority of trees from within the site, in particular the large TPO Beech tree which is extremely prominent both from within the site and more immediate areas around the site. However, in this respect, the submitted scheme simply reflects what has already been approved under the extant 2008 permission and it is not therefore considered a reason for refusal could be sustained.

One new area of concern however relates to the proposal to remove the various hedges along the southwestern boundary of the site. Of particular concern in this respect is the loss of an attractive beech hedge in order to facilitate construction of a service yard retaining wall, but which also serves to provide a degree of soft visual screening between the site and No5 Buckfast Way (although this principally relates to residential amenity). Ultimately however, the hedge is not protected and could be removed at any point in the near future by the applicants without permission from the Council. Even were amended plans secured to seek its retention, it is questionable whether it would survive given the major engineering works that would take place to lower ground levels and construct a new concrete retaining wall.

Whilst the applicants have sought to address many of these concerns through the submission of a detailed landscape plans, the scheme submitted is unlikely to offset the loss of such a large number of mature trees. As a result, and were the scheme to be approved, it would be necessary to impose a condition to secure a further detailed, and more substantial landscape plan.

On balance therefore, it is considered that proposed development meets the requirements of Local Plan policies GR1 (II), GR2 (II) and NR1.

Flood Risk and Drainage

The applicant's Flood Risk and Drainage Assessment has demonstrated that the proposed development would avoid adverse impact upon flood risk within the area and complies with the requirements of PPS25 'Development and Flood Risk'. The Environment Agency concur with this view and confirmed that they have no objection to the proposed development although a number of conditions would be required to secure precise details of the proposed surface water and foul drainage strategies. It is therefore considered that the proposed development would comply with the requirements of PPS25 as well as local plan policies GR1, GR20 and GR21.

Archaeology

Similarly, following an assessment of the applicants statement by the Archaeological Unit, it is considered that a condition imposed on any permission would allow for the sites archaeological remains (an ice house on the western boundary) to be fully investigated and

recorded prior to its destruction. The scheme could therefore comply with the requirements of PPS5 'Planning for the Historic Environment'.

Ecology

The applicant's ecological assessment serves to demonstrate that there are no ecological issues that would prevent the grant of permission with the scheme. The site has limited ecological value and no adverse impacts would arise through its redevelopment in terms of protected species. The scheme therefore complies with the requirements of PPS9 and Local Plan policies GR1 (ix), NR3, NR4 and NR5.

CONCLUSION AND REASON FOR THE DECISION

The principle of retail development in the manner proposed is unacceptable and the fall back position is not accepted to carry significant weight. The proposal fails to meet the requirements of PPS4, more particularly Policy EC17. The applicants have not demonstrated compliance with the sequential approach (EC15) and there is clear and substantial evidence that the proposal has a number of significant adverse impacts under policy EC10.2 and EC16.1 including the fact it would harm the vitality and viability of the town centre and potentially discourage investment in the long-standing allocated town centre site which now benefits from planning permission for Tesco / Briden Investments. The proposals also contravene Local Plan policy S2 and policy W5 of the North West Regional Spatial Strategy.

Whilst the scheme is also considered to be poor in terms of its design, impact on the character and appearance of the area and overall loss of trees the reality is that the scheme is not so different from the extant planning permission on the site and it is not therefore considered that the scheme could be refused.

Similarly, in the case of residential amenity, the adverse impacts associated with the scheme in terms of noise could be addressed by way of planning conditions. Whilst visual amenity will be affected to a greater extent than the previously approved scheme, the hedge in question is not protected in any way and could be removed, lopped or trimmed at any time by the applicants and therefore whilst its loss is unfortunate, it is not sufficient to warrant refusal.

Matters relating to highway safety / accessibility, archaeology and flood risk have been adequately addressed by the applicants and the scheme therefore satisfies the relevant policies of the adopted Local Plan, RSS and national planning policy.

It is therefore recommended that planning permission be refused for the following reason: -

The proposed development fails to meet the requirements of PPS4 'Planning for Sustainable Economic Development' Policy EC17. The applicants have not demonstrated compliance with the sequential approach (EC15) and there is clear and substantial evidence that the proposal has a number of significant adverse impacts under policy EC10.2 and EC16.1 including harm the vitality and viability of the town centre and potential to discourage investment on an allocated town centre site. The proposal would also contravene policy S2 'Shopping and Commercial Development Outside Town Centres' Parts (A) Need, (B) Sequential approach, (C) vitality and viability and (E) accessibility of the Congleton Borough adopted Local Plan First Review 2005 and policy W5 'Retail Development' of the North West Regional Spatial Strategy.

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4226C**

Location: **The Mews, Chancery Lane, Alsager, ST7 2HF**

Proposal: **Proposed Two Storey Extension and Internal Alterations**

Applicant: **Mrs Margaret Brown**

Expiry Date: **19th January 2011**

Ward: **Alsager**

Date Report Prepared: 14th January 2011

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principle of development
- Design
- Amenity
- TPO trees
- Highway safety

REASON FOR REFERRAL

The following call in request was received from Councillor Hough:

There is a concern, firstly, that the size and mass of the development are not in keeping with this area of Alsager.

Secondly, the proximity of the extension to the neighbouring property, No2 Chancery Lane, may have an adverse effect on the amenity of the neighbour. Could I ask that the relevant houses on Crewe Road be notified of this application if not already done.

I hope that you accept these as valid reasons for a call in and hope that you will let me know if they are.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a detached brick built dwellinghouse located within the Alsager Settlement Zone Line. The dwellinghouse has its shortest gable end facing towards Chancery Lane and as such the dwelling is not highly prominent within the street scene.

Surrounding dwellings on Chancery Lane vary significantly in terms of design and appearance.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a two-storey extension which would result in the dwellinghouse having an L-shaped footprint. The extension would provide a kitchen at ground floor level and two bedrooms and en-suite at first floor level.

RELEVANT HISTORY

There is no relevant planning history for this site.

POLICIES

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design

GR6 Amenity & Health

GR9 Accessibility, servicing and parking provision

NR1 Trees & Woodland

SPG2 Provision of Private Open Space in New Residential Developments

CONSULTATIONS (External to Planning)

Highways:

[01.12.2010] The Strategic Highways Manager has no objection to the proposed development subject to an informative relating to highways authority consent being required for any works which may affect the public highway.

Environmental Health:

No response was received at the time of report preparation.

VIEWS OF THE PARISH / TOWN COUNCIL

[24.11.2010] Alsager Town Council raises concerns that the proposed development is infill and regarding the size of the development in relation to the plot.

OTHER REPRESENTATIONS

Two letters of objection has been received at the time of report preparation.

The following material planning considerations were raised within the objection letters:

- The proposed extension would overshadow the existing garden area of 2 Chancery Lane which is already significantly overshadowed by TPO trees. This would impact upon the enjoyment of the garden.
- The proposed extension would appear imposing to 2 Chancery Lane.
- The proposed extension would overshadow an existing patio area of 2 Chancery Lane.
- The proposed extension would restrict an existing access path.

- The proposal could affect drainage of an access path.
- The plans show no details of the existing shed that the proposal would replace.
- The proposal is overdevelopment of an already restricted site.
- The proposal would result in a less than standard amenity space for future occupiers.
- The principal windows do not comply with the accepted minimum space about dwelling standards, in the relationship to the rear boundary.
- The proposal would result in over domination of the rear gardens to the dwellings to the south of the site: (143 and 145 Crewe Road).
- Loss of privacy and amenity to 143 and 145 Crewe Road.
- Detrimental impact upon wildlife and wild flowers which currently live and grow around the wall which partially surrounds the house.
- Proposal would have a detrimental impact upon a TPO tree.

Issues relating to views from the existing property were raised however; such is not a material planning consideration which can be taken into account for the determination of this application.

OFFICER APPRAISAL

Principle of Development

The dwellinghouse is located within the Alsager Settlement Zone Line where there is a presumption in favour of residential extension subject to the proposal meeting all other relevant criteria in relation to design, amenity, highway safety, and TPO trees.

Design

The proposed extension would be located on the eastern elevation of the dwellinghouse and would measure 4.1 metres in width, 8.3 metres in depth, and 6.5 metres in height to the ridge of the roof. The extension would project to create an L – shaped footprint and would be constructed out of materials to match those used on the existing dwelling.

The dwellinghouse is located on the south side of Chancery Lane, amidst a wide range of dwelling types. It is accepted that the resultant dwellinghouse would not replicate existing properties in the vicinity however, given that the existing property is of an individual design and as other properties vary significantly in terms of scale, design, and appearance, it is not considered that the resultant dwellinghouse would appear incongruous or detract from the character of the surrounding area.

The design of the proposal, although of a large scale, is considered to be acceptable. As mentioned previously, the dwellinghouse is of an individual design and the extension would appear sympathetic to the form and character of the property. Subject to the use of appropriate materials, the design and appearance of the proposal are acceptable

Whilst it is appreciated that concern has been raised in relation to the scale of the proposal, it must be noted that the application site is located within the Settlement Zone Line where there is no set restriction upon residential extension size. Whilst it is accepted that the extension is large, it is not considered that this alone is a reason for refusal, as the overall design of the proposal is considered acceptable and not harmful to either the existing dwellinghouse or the surrounding street scene.

An additional car parking space has been included as part of the development however, this space would not detract from the visual amenity of the surrounding area.

Amenity

143 and 145 Crewe Road are neighbouring properties located to the south of the site and are separated from it by a narrow passageway.

The proposed extension would be located a distance of approximately 23 metres from the rear of such properties. This distance exceeds the minimum privacy distances as required by SPG2 and as such the proposal is considered to have an acceptable impact in terms of privacy.

Whilst concerns have been raised that the extension would be dominant when viewed from 143 and 145 Crewe Road, this is considered unlikely due to the length of the garden which is approximately 20 metres. Also it would not cause overshadowing given that the application is located to the north of such properties.

Neighbouring property 2 Chancery Lane is located to the east of the application site and concerns have been raised that the proposal, which would be immediately adjacent to the common boundary, would overshadow No. 2's existing garden area/patio and appear imposing. It is acknowledged that the proposal would overshadow the garden area of No. 2 to some degree due to its position to the west, immediately adjacent to the common boundary. However, consideration must be given to the existing conditions of this garden. The garden is of a large scale and is overshadowed by existing trees to the south that are protected by Tree Preservation Orders. Due to such conditions, it is not considered that the proposed extension would exacerbate this situation to a degree which would sustain refusal of the application.

With regard to the proposal appearing imposing, it is accepted that the proposal would be visible to 2 Chancery Lane. However, given that a distance of approximately 18 metres would exist between the proposal and the side elevation of No. 2, it is not considered that the extension would appear oppressive or significantly overbearing.

With regard to the future amenity space of occupiers, the resultant amenity area consisting of a lawn and patio has been calculated at approximate 80 square metres. This area exceeds the recommended minimum garden area of 65 square metres and as such is considered acceptable.

TPO trees

There are two trees located in the rear garden of 143 Crewe Road which need to be taken into consideration. The larger specimen is a mature Lime tree subject to TPO protection (Part G3 of the Chancery Lane, No. 2 Alsager, Tree Preservation Order 2000). There is also a semi-mature Sweet Chestnut tree located at the same property. The submission does not include a comprehensive tree survey in accordance with BS 5837:2005 Trees in relation to construction. The only tree related information comprises a plan with symbols which are taken to represent the mature Lime tree and a tree in the garden of 141 Crewe Road.

The submitted plan does not appear to represent the situation on site accurately and overall it is not considered that the submission meets the requirements of Policy NR1 of the adopted Congleton Borough Local Plan as it has not been demonstrated that

the proposal includes sufficient information to enable assessment of the potential impact upon TPO trees.

Highway safety

The proposal would not impinge upon any existing parking or access arrangements and it would provide one additional car parking space. Given that there is no objection from the Strategic Highways Manager, it is considered that the proposal would have an acceptable impact upon highway safety.

Other issues raised within objections

Access path

Concerns have been raised that the proposal would restrict access to the existing access path to the rear of the site. However, given that the proposed extension is located entirely within the existing curtilage, this is considered unlikely.

Drainage

There is no indication of drainage within the submitted proposal. To ensure that drainage is sufficient and would not detrimentally affect the wider area, it is considered reasonable to condition drainage details via condition.

Details of existing shed

Whilst plans may not show details of the existing shed on the site, a site visit was undertaken to see the existing conditions on the site.

Wildlife

Due to the small-scale nature of the proposed development, which would be on an existing area of hardstanding, it is not envisaged that the proposal would have a significant impact upon local wildlife.

CONCLUSIONS

The principle of the development is acceptable, as is the proposal's design, impact upon neighbouring properties, highway safety, and the street scene. However, the submission fails to demonstrate that the proposal would have an acceptable impact upon a tree protected by a Tree Preservation Order as insufficient information has been submitted with the application. The application is therefore recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

1. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development having upon trees protected by the Part G3 of the Chancery Lane, No. 2 Alsager, Tree Preservation Order 2000. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policy NR1 of the adopted Congleton Borough Local Plan First Review 2005.

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **10/4412N**

Location: **61, Rope Lane, Shavington, CW2 5DA**

Proposal: **Putting Up Two Partition Walls In Order To Use One Quarter Of Existing Garage As A Small Dog Grooming Salon**

Applicant: **Mrs A Venables**

Expiry Date: **01-Feb-2011**

Ward: **Rope**

Date Report Prepared: **17th January 2011**

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES:

- **Principal of Development**
- **Impact on neighbouring amenity**
- **Impact on highway safety**
- **Impact on the streetscene and the existing dwellinghouse**

REASON FOR REFERRAL

This type of development would normally be dealt with under the council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr Silvester for the following reasons;

If the Planning Officer is minded to recommend the application for approval I would like to call this application in because it would introduce a commercial usage to an entirely residential area, the noise from the dogs barking would be unacceptable to the residents around the property and the cars visiting the business would cause highway obstructions on this main route to the Shavington High School. However if the Officer is minded to refuse the application I am happy for it to remain as a delegated item.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated with the Shavington Village settlement boundary as defined by the Crewe and Nantwich Replacement Local Plan 2011. The existing property is a semi-detached bungalow, within a streetscene of similar properties. The existing dwelling has got a large outbuilding within the curtilage of the property which is large enough to house a caravan. The garage has a flat roof and a sliding garage door.

DETAILS OF PROPOSAL

The proposal is for the change of use of part of the garage building, which includes the addition of two partition walls within the garage, to a dog grooming salon. There are to be no external changes to the outbuilding to accommodate the change of use.

RELEVANT HISTORY

7/02664 – Double Garage – Approved 24/03/1977

POLICIES

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

The relevant development plan policies are:

Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
RES.11 (Improvements and alterations to existing dwellings)
E.5 (Employment in Villages)

Other Material Considerations

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

CONSULTATIONS (External to Planning)

Highways: No Objection

Environmental Health: The introduction of a dog grooming business in a residential area has the potential to cause noise nuisance to local residents. There is the potential for loss of amenity caused by dogs barking on the premises, and vehicles coming to and from the site, as well as noise from equipment used in the dog grooming business. Therefore Environmental Health would recommend the following conditions to protect the amenity of local residents:

1. Hours of working, including deliveries, should be restricted to those specified in the application form i.e. 9am-3pm Monday to Friday due to the close proximity of local residents.
2. Before the use commences the building (garage) together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.
3. The business activities associated with the dog grooming shall be restricted to the detached garage in order to protect the amenity of local residents.
4. No more than 4 dogs per day shall be brought to the premises for grooming.

5. No more than 2 dogs connected with the business operation shall be on site at any one time.
6. Dogs associated with the dog grooming operation shall be kept inside the garage apart from access and egress to the site.
7. In order to prevent dog barking outside the premises, apart from dogs living in the same household, only one dog shall access or exit the site at any one time.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council does not feel that it is an appropriate location at which to run a business of this nature as the property is within an established residential area. The Parish Council also has concerns over potential noise complaints, parking issues and possible obstruction to the pavement at this location on a busy pedestrian route to the High School.

OTHER REPRESENTATIONS:

Letters of objection have been received from the Occupiers of 1 Edwards Close, and 59 Rope Lane, Shavington.

The main issues raised are;

- Dog grooming saloon not appropriate in this residential area,
- Surrounding area occupied by elderly retired people who value peace and quiet,
- The proposed development would create an unacceptable level of noise from dogs barking,
- The site can only accommodate two off street parking spaces and the applicant has one car herself, therefore causing the need for on street parking should appointments overlap, creating a highway safety issue,
- Perceived reduction in desirability and value of surrounding dwellings.

APPLICANT'S SUPPORTING INFORMATION:

Supporting Statement – A supporting statement has been received from the applicant on the 11th January 2011. The main points raised were;

- Hours of operation 9am – 3pm Monday to Friday
- 4 Dogs per day taking 1 hour and a half per appointment.
- No more than 2 clients on site at anyone time (possible overlap due to picking up and dropping off of dogs)
- Driveway capable of parking 4 cars off-street
- No dogs will ever be left unsupervised in the saloon, will be on leads most of the time, except if finished early in which case they will be kept in a cage until owner picks them up

OFFICER APPRAISAL

Principle of Development

Small scale business use is considered acceptable within a residential area, particularly within village settlements where sustainable economic development is possible. However,

the proposal must meet the requirements of policies BE.1 (Amenity), BE.2 (Design Standards), and BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

Amenity

The proposal seeks permission for the change of use of part of a domestic garage building to be used as a dog grooming salon. Externally there will be no changes to the building. Only internal alterations are proposed within the garage which includes the provision of two partition walls and the relevant table, bath, cupboard and counter top associated with the business.

The proposal site is situated within a residential area which is predominantly an estate of bungalows. The existing garage is sited adjacent to the boundaries of No.59 Rope Lane, and No's. 34 and 35 Burlea Drive. The proposed alterations will be sited within the south west corner of the garage, and will be accessed from the existing door on the side elevation of the garage.

Whilst it is noted that the proposed use may have some impact on neighbouring amenity, the proposed dog grooming salon will be fairly small in size, with only 4 dogs/clients per day taking 1 hour and a half each. There will be no more than 2 dogs relating to the business on the site at any one time (due to possible cross over in clients) and the applicant only proposes to use the business between the hours of 9am and 3pm, Monday to Friday. As the proposed use is of a fairly small scale, and the keeping of dogs is typically something which is carried out in a residential area, it is not considered that the business would generate a significant level of additional traffic or create noise levels that would have a detrimental impact upon neighbouring amenity.

Several concerns have been raised in relation to the impact which the proposal will have on local residential amenity, and the perceived increase in noise which will occur from the proposed business use. However, the Environmental Health section considers that the proposal is acceptable provided that several conditions are attached to an approval. These conditions would restrict the hours of operation, require a noise attenuation, limit the numbers of clients/dogs, and the dog grooming use would be allowed solely within the garage. It is agreed that the proposed conditions which have been requested by Environmental Health are acceptable and will help to achieve a scheme which will have an acceptable impact on residential amenity.

It is considered that with the restrictions proposed by the Environmental Health Section, and given the relatively small scale of the business, the proposed dog grooming salon will not have a significantly detrimental impact on neighbouring amenity, and is therefore considered to be in accordance with Policy BE.1 (Amenity).

Highway Safety

Within the objections received from local residents and from the Parish Council concerns have been raised relating to the possible highway safety implications which may arise from the proposed development. The issues raised largely relate to the possibility for clients parking on the road rather than within the residential curtilage of the property, and the impact

this will have on Rope Lane, which is a fairly busy through road from Shavington, past the local High School through to Willaston and Crewe.

The applicant has stated within her supporting statement that the site can accommodate 4 parked cars, and therefore the proposed use should not result in an increase in on street parking. As the site will at most only have two clients on site at any one time, there should be sufficient space within the site to accommodate at least 3 cars at any one time.

The Highways Authority has raised no objections to the proposal and the adjacent road has no parking restrictions on it. Whilst it is acknowledged that the proposed business will increase vehicular movements to and from the dwellinghouse, this will not be such an increase as to cause a significantly negative impact on highway safety in this area.

Design Standards

The proposed development is for the change of use of an existing building, and there are to be no alterations to the external appearance of the building. The proposed alterations are to be contained internally within the building and therefore the development will not have a detrimental impact on the streetscene or the existing dwellinghouse. If the application is approved an informative will be added to the decision notice to highlight that the decision relates solely to the change of use and does not give permission for any external alterations proposed including advertisements.

CONCLUSIONS

It is considered that the proposed development is of a scale and intensity which is acceptable for a residential area and by means of several conditions noted below the development should not have a significantly detrimental impact on neighbouring amenity. It is therefore considered that the proposed development is acceptable and in accordance with the relevant policies of the local plan.

Reason(s) for Decision:-

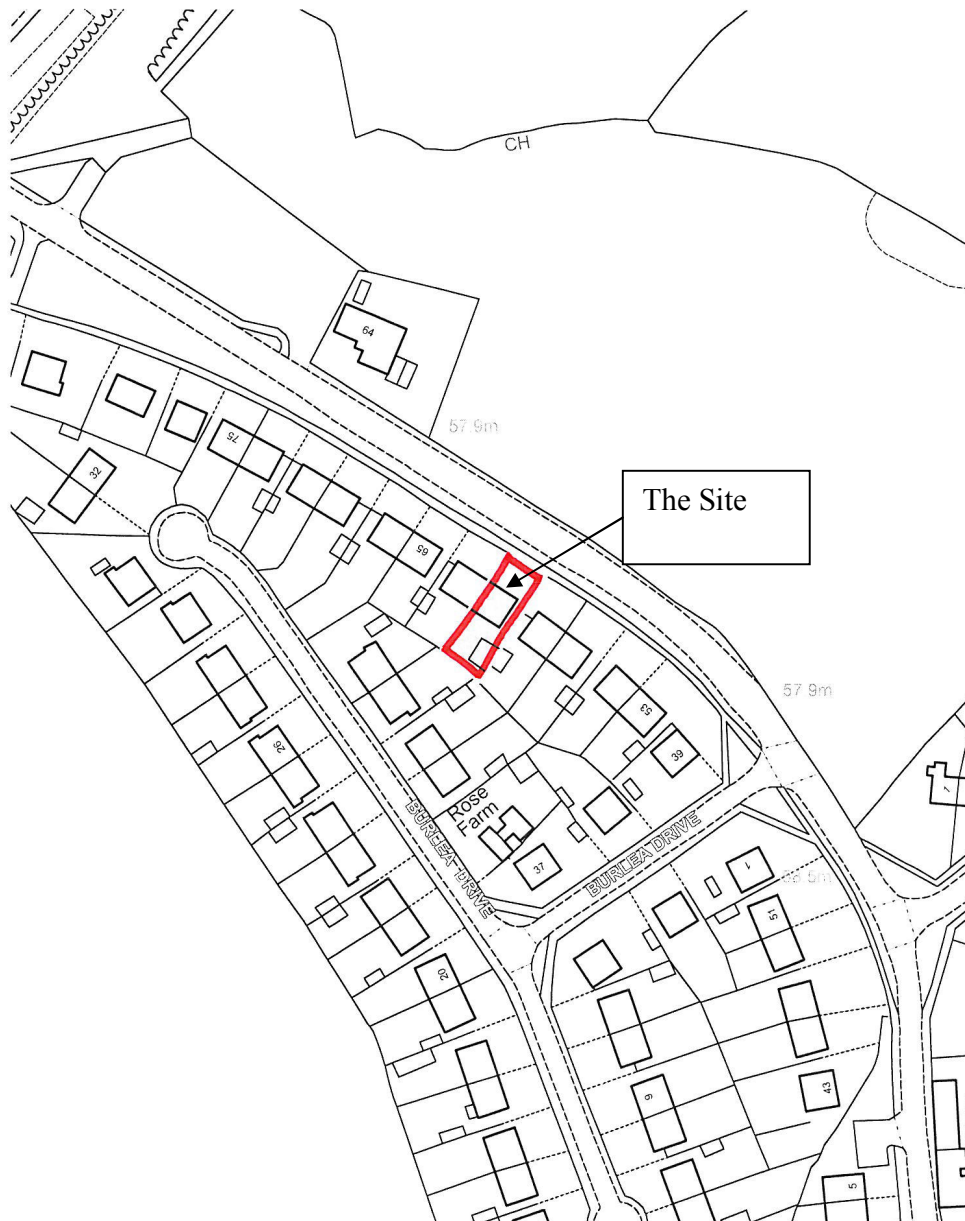
The proposed development is of a scale and intensity which is acceptable within the residential area. The proposed development will not have a detrimental impact on the character and appearance of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposal therefore complies with Policy BE.1 (Amenity), Policy BE.2 (Design Standards), Policy BE.3 (Access and Parking) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Hours of operations
4. Noise attenuation

5. Dog grooming use restricted to garage
6. Only 4 dogs per working day
7. No more than 2 dogs associated with the business on the site at anyone time
8. Dogs shall be kept in the garage at all times other then when entering and egressing
9. Reason for approval

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4489N**

Location: **Land To The Rear Of, 91, Hall O Shaw Street, Crewe**

Proposal: **Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type**

Applicant: **Fourth Estates Ltd**

Expiry Date: **3 February 2011**

Ward **Crewe East**

Date report Prepared: 18th January 2011

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- **Principle of development**
- **Impact of development on RT.1 designated bowling green**
- **Design of the proposal**
- **Impact of development on residential amenities adjoining the site**
- **Impact upon the amenities of the future occupiers of the dwellings**
- **Highway/parking issues**
- **Contaminated Land**
- **Impact upon a public sewer which crosses the site**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is located to the rear of the former North Ward Club (which has recently been destroyed by fire) within the Crewe Settlement Boundary. Adjoining development is predominately residential with Victorian terraced houses to the north fronting Chestnut Grove and to the south fronting Surrey Street. A residential development of 10 dwellings (1-10 Railway View) is located to the east of the site beyond which runs the Crewe-Manchester railway line. The land is generally level and was last in use as a bowling green, which is designated as RT.1 land in the Local Plan. Following the actions of the site owner, the land is now enclosed by a 2 metre high brick wall and the bowling green has been left overgrown. The

application site also includes a detached bungalow which is to be demolished as part of the proposed development.

DETAILS OF PROPOSAL

This is an outline application for 14 dwellings with access to be determined at this stage and all other matters reserved. The access would be taken from Hall O Shaw Street/Richmond Road and the indicative layout plan for the site includes a terrace of 4 dwellings and 2 apartment blocks (1 containing 5 apartments and the other containing 4 apartments).

RELEVANT HISTORY

P08/0179 - Twelve Dwellings with Associated Parking and Improvements to Railway View Properties Phase 1 – Refused 2nd May 2008

POLICIES

Development Plan policies

Local Plan Policy

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)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RT.1 (Protection of Open Spaces with Recreational or Amenity Value)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 – Decentralised Energy Supply
MCR4 – South Cheshire

National policy

PPS 1: (Delivering Sustainable Development)
PPS 3: (Housing)
PPG17: Planning for Open Spaces, Sport and Recreation
PPS23: Planning and Pollution Control

Supplementary Planning Document on Development on Backland and Gardens

CONSULTATIONS (External to Planning)

The Strategic Highways and Transportation Manager: This is a sustainable location close to Crewe Town Centre with very little on street parking and no waiting restrictions in the immediate area. This site will generate low traffic movements with no significant impact on the surrounding highways network.

There are no highways objections subject to the following condition:

No development shall take place until detailed drawings outlining the site's access, layout, parking provision and visibility splays have been submitted to and approved by the LPA/HA, and no development shall be occupied until the access has been constructed in accordance with the approved drawings and to CEC specification.

Environmental Health: Objects to the above application subject to the following comments with regard to contaminated land: Planning Policy Statement 23 recommends that all outline planning applications should submit at least a desk top study with the application, therefore the application should be refused on the grounds of insufficient information.

Network Rail: No comment to make

United Utilities: No objection providing that the site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system united utilities will require the flow to be attenuated to a maximum discharge rate of 25 l/s as determined by United Utilities.

Sport England: Object to the application;

- In terms of the impact on sport and the lawful use of the site as a bowling green (Sport England does not concur with the agent's view that the site can no longer be classed as outdoor sport or open space as outlined in the supporting documents), the development would effectively result in the permanent loss of the sporting use of the site. Although the site is currently unused and in a state of disrepair, PPG 17 makes it clear at paragraph 18 that this in itself should not be taken to mean that there is an absence of need/demand in the locality.
- In terms of the RT.1 Assessment, Sport England does have some reservations about the extent of the study undertaken and the issues that have been considered at this stage. For example, whilst the agent has targeted a number of bowling clubs within the area with postal questionnaires, there has been no consultation undertaken with the National Governing Body for the Sport (MGB) or the Council's Leisure Services Department, as these will be particularly important in ensuring that all of the relevant clubs have been identified but also that casual use on bowling greens (particularly municipal/pay as you play sites) have been identified. Similarly, in the absence of any consultation with the NGB and the Leisure Services Department, the assessment does not take into account current and future participation rates in the sport and the impact that this could have on provision within the area as well as any future housing growth (including the increase in housing numbers being proposed for this particular site whilst at the same time resulting in the loss of an existing facility) and demographic projections for this particular area.

- Although the study includes a section relating to growth in participation and comments that existing clubs have sufficient capacity to attract younger people to the game, it is not clear how this assumption has been arrived at. Again, consultation with the relevant NGB and the Council's Leisure Services Department would have helped in this respect.
- Finally, the assessment does not demonstrate that the scheme is widely supported by either the bowling community or the local community.
- Notwithstanding the issues above, even if the questionnaire responses from local clubs are taken into account I do not consider that these demonstrate that there is a genuine surplus of provision for bowling within the area. In terms of membership levels for the clubs only one of the identified clubs (Bentley Motors) identifies a decrease in membership numbers, however there are no details of their current membership in any case. All of the other identified clubs (with the exception of Shavington Working Mens Club which provides no information) either report a constant level of membership or an increase in membership levels over the past 5 years. Equally, the majority of the respondents have commented that there is a shortage of bowling facilities in the area and that there is a need for a new bowling green in the area.
- Although the assessment comments that it is difficult to ascertain whether the lack of bowling facilities identified by the respondents is genuinely due to the lack of available greens/sites or other issues such as quality, floodlighting or ancillary facilities, this is a question that should have been asked to consider this issue further. This may help to understand whether the issues affecting bowls in the locality are more about quality as opposed to quantity and that a committed sum towards addressing such issues may be appropriate.
- Sport England do not consider that the assessment genuinely demonstrates that there is an excess of provision for bowling to justify the loss of this particular site. Equally the scheme does not propose any form of compensatory provision to offset the loss of the existing site.
- Therefore, Sport England wishes to raise an objection to the proposal on the basis that the proposal is contrary to Policy RT.1 of the Local Plan and paragraphs 10 and 13 of PPG 17.

OTHER REPRESENTATIONS

Two letters of representation received from the occupants of 15 and 19 Chestnut Grove and 95 Richmond Road raising the following points;

- The construction of Railway View caused many problems for the surrounding residential properties
- The site of Railway View was not used as a car park for the bowling green as stated in the supporting information
- The use of the bowling green ceased when the owner of the site dug up the green and removed the floodlights and bowling shed not due to lack of use
- The bowling green should have been reinstated following the previous refusal
- Loss of privacy
- Landscaping of the site will not materialise
- Over-development of the area following recent approved applications
- The site should be returned as a bowling green or as another sporting use
- Overshadowing
- Loss of light
- Increased noise and vibration caused by the proposed access
- The layout of the site does not comply with Manual for Streets
- The piecemeal development of the site has resulted in a lost opportunity in relation to affordable housing

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Architectural Planning Partnership LLP and dated November 2010)

- The site is within an established sustainable residential area close to the town centre, public transport routes and recreational amenities etc. The revised proposal has now been during the last year or so, the subject of extensive pre-application debate. It now appears to have overcome earlier design and technical issues leaving the principle of low cost residential development offered for consideration

Planning Statement and RT.1 Assessment (Produced by Oligra Town Planning and dated October 2010)

The executive summary for these documents is as follows;

- The application site was once a crown green bowling green. The green no longer exists and the underlying land is now overgrown and derelict
- When the application site functioned as a bowling green, it was used solely by private members and bona fide visiting guests of the Northward Social Club
- The LPA has granted planning permission for residential development on the site of the Northward Social Club and on the car park that served the club and its bowling green
- The application site cannot be returned TO its former use. It would have no sustainably located club house and membership base, and the loss of the car park prevents off street car parking from being provided
- It is proposed to develop the application site, which is located in the Crewe inner urban area for residential use
- By virtue of its former use, the application site is designated in the Local Plan Policy RT.1 as 'open space with recreational value. Policy TRT.1 allows for the development of open spaces supported by an open space assessment
- Although the site is no longer a bowling green and therefore technically falls outside the definitions of open space set out in the 1990 Act and in PPG17 (Planning for Open Space, Sport and Recreation) the application is supported by a self-assessment as there is no audited PPG17 Local Authority Open Space Assessment with which to assess the application site.

OFFICER APPRAISAL

Principle of Development

Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe. Whilst the density of development is above that required by RES.3 of the Local Plan it should be noted that the site is in a sustainable location in close proximity to Crewe Town Centre and the density of the site is consistent with the surrounding terraced residential properties. Furthermore, approval for the same development has been given in the past.

The site is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a bowling green although recently the site owner has dug up the bowling green, removed the bowling hut and used the site for external storage. The main issue in this case is whether the development is compliant with Policy RT.1

Loss of the Bowling Green

Policy RT.1 states that development will not be permitted that would result in the loss of open space shown on the Proposals Map. It also states that an exception may be made where - *'A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance.'* This Policy reflects the guidance contained in Planning Policy Guidance Note 17: 'Planning for Open Space, Sport and Recreation' (Paragraph 10).

PPG17 goes on to state that in the absence of a robust and up to date assessment produced by a Local Authority, a developer may undertake their own assessment of need, although it would need to be shown that their proposals are clearly supported by the local community. The companion guide to PPG 17 sets out a framework for undertaking local assessments of need.

The applicant's agent has submitted an 'RT.1 Assessment'. It is comprised mainly of the bowling green survey information that was gathered in 2008 and submitted with the previous application which has been 'repackaged'; there is little 'new' information contained in the submission. Therefore the surveys submitted with the RT.1 Assessment are over 2 years out of date.

The applicant's agent states that, as the bowling green is no longer in use, it should not be classed as 'open space'. This is contrary to Paragraph 18 of PPG17 which states *'Where recreational land and facilities are of poor quality or under-used, this should not be taken as necessarily indicating an absence of need in the area'*. This is also supported by a recent appeal decision at a site in Norfolk (APP/F2605/A/06/2029836) where the Inspector stated that *'Whilst I acknowledge that the site is currently unused, this does not necessarily demonstrate a lack of demand. I accept also that the site was operated as a private club, but this does not detract from the role that it evidently played in meeting local recreational needs until a few years ago. None of these factors seems to offer any justification for departing from the approach advocated in both the adopted Local Plan and PPG17. Indeed to do so on this basis would seriously undermine this guidance'*

The submitted RT.1 Assessment does not include any consultation with the National Governing Body for the sport or the Council's Leisure Services Department. Consultation with these bodies is relevant in ensuring that all relevant clubs have been identified. Sport England also point out that this is necessary to ensure that the assessment takes into account *'current and future participation rates in the sport and the impact that this could have on provision within the area as well as any future housing growth (including the increase in housing numbers being proposed for this particular site whilst at the same time resulting in the loss of an existing facility) and demographic projections for this particular area'*

Furthermore the assessment does not demonstrate that the scheme is widely supported by either the bowling community or the local community.

Even if the questionnaire results contained within the RT.1 Assessment were to be taken into account they do not demonstrate that there is a surplus of provision of bowling greens in the area and the site has no special significance. In terms of membership levels for the clubs, only one of the identified clubs (Bentley Motors) identifies a decrease in membership numbers,

however there are no details of their current membership in any case. All of the other identified clubs (with the exception of Shavington Working Men's Club which provides no information) either report a constant level of membership or an increase in membership levels over the past 5 years.

In terms of a shortage of bowling facilities in Crewe, 8 out of the 10 clubs surveyed indicated that there was a shortage. The results do not break this response down further and it is not clear whether there is a shortage of bowling greens or other issues such as quality, flood lighting or ancillary facilities. This question should have been asked as part of the questionnaire as it would help to understand whether the issues affecting bowling in the locality are more about quality as opposed to quantity.

In terms of the changing operational situation in five years time, 5 clubs stated progressing, 4 stated no change and 1 stated unknown. This shows that no clubs have identified that they expect to decline. In terms of the requirements for a new bowling green in Crewe; 6 clubs identified that there was a need for a new club, with 3 saying that there is no requirement and 1 not answered.

The submitted RT.1 Assessment is considered to be inadequate for the reasons set out above and it does not demonstrate that there is an excess of provision for bowling to justify the loss of this particular site. Equally the scheme does not propose a replacement bowling green of equivalent or greater quality in a suitable location and subject to better management arrangements.

Design

The application is outline only with appearance, landscaping, layout and scale to be determined at the reserved matters stage.

An indicative layout has been submitted with this application and this indicates that the site could accommodate the 14 units proposed and that the indicative layout would not harm the character and appearance of the area.

Amenity

As stated above the appearance, landscaping, layout and scale of the development are to be dealt with at the reserved matters stage.

In terms of the properties which front onto Chestnut Grove, the indicative plans shows that there would be a separation distance of 23 metres from the proposed terrace and 19 metres from the block of 4 apartments to the rear elevations of the properties fronting Chestnut Grove. A separation distance of 21 metres from principal elevations would usually be required and it is considered that a scheme could be designed to ensure that there would be no impact upon residential amenities.

In terms of the properties known as Railway View to the east of the site, there would be a separation distance of just 4 metres to the block of four apartments. Although this separation distance is tight the proposed development would be to the north-east and the Railway View

properties are back-to-back dwellings with a single principal aspect which in this case would face east. The proposed development is therefore considered to be acceptable.

To the south of the site there would be a separation distance of approximately 14 metres to the rear elevations of the properties which front Surrey Street from the nearest block of 5 apartments. It is considered that block could have a blank side elevation facing Surrey Street and as a result there would not be a detrimental impact upon residential amenity.

To the west of the site the site of the former Northward Club has an extant planning permission for 5 dwellings. The indicative layout plan shows that there would be a separation distance of 24 metres to the block of 5 apartments and 15 metres to the back corner of the proposed terrace. These separation distances are considered to be appropriate.

To the north of the proposed access point, No 95 Richmond Road has a blank side elevation facing the site. This property is a semi-detached dwelling with a small rear garden of approximately 10 metres in length. The proposed access would run along this side boundary and concerns have been raised in relation to the impact of the proposed development upon the amenities of this property through noise and disturbance. In order to address the issue, the submitted plan shows that an acoustic fence/wall of 2 metres in height would be erected along this boundary (a fence/wall to a height of 2 metres could be erected without planning permission). In relation to this issue the Council's Environmental Health Department have raised no objection and as a result it is considered that on balance the proposed development is acceptable.

The refusal of application P08/0179 included as a reason for refusal the lack of a noise survey in relation to the adjacent North Ward Club. As the North Ward Club has now been demolished this issue no longer stands.

Highways

The access to the proposed site would be taken to the south of the property known as 95 Richmond Road and would result in the demolition of the existing bungalow. The Strategic Highways Manager has raised no objection to the proposed development and has stated that site is within a sustainable location, will generate low traffic movements and will have no significant impact upon the highways network. The development is therefore considered to be acceptable in terms of its highways implications.

Contaminated Land

The Government's guidance on land affected by contamination is set out in Planning Policy Statement 23 (PPS23) on Planning Pollution Control Annex 2: Development on Land Affected by Contamination.

PPS23 states 'because of the widespread potential occurrence of contamination, the possibility should always be considered, regardless of past land use, when development is proposed involving or introducing a particularly sensitive use such as housing with gardens, schools, nurseries or allotments'.

The guidance puts the responsibility on the developer to ensure that a development is safe and suitable for use for the purpose for which it is intended. Therefore, the developer is responsible for determining whether land is suitable for a particular development.

It should be noted that contamination is not just restricted to land with previous industrial use. It can occur on green field sites as well as from natural sources such as Radon.

The risks from potential contamination should be identified at the application stage of the planning process.

Annex 2 to PPS23 states that 'Outline permissions should not be granted until the LPA is satisfied that it understands the contaminated condition of the site and that the proposed development is appropriate as a means of remediating it. If the LPA is satisfied about this, further investigations and the detailed design of remediation might still be needed. Identifying these issues as reserved matters will enable detailed approval at an appropriate stage and give the developer greater certainty before incurring the costs involved. Where the LPA is minded to grant outline planning permission, the length of time needed for further investigations and detailed design should be considered in determining the timescale for submission of a detailed application on the reserved matters'

In this case no contaminated land assessment has been produced despite a request for such a survey being made to the applicant's agent. As a result insufficient information has been submitted with this application and this issue will form a reason for refusal.

Other issues

The previous application included a reason for refusal relating to the proximity of the development to a public sewer which crosses the site. The indicative layout shows that the site can be developed without having a detrimental impact upon this sewer. This view is supported by United Utilities who have not objected on these grounds.

The previous application included a shared access point with the properties at Railway View and a re-organisation of the parking at Railway View. As part of the previous application it was considered that the developments were inextricably linked and that both developments would trigger requirements for affordable housing and public open space provision. These issues formed reasons for refusal. Since the previous application, access is now proposed to be taken from Hall O Shaw Street/Richmond Road and the developments would not share a common parking area. It is now considered that in this case that the link between the sites has been eroded and it is not possible to require any affordable housing or public open space provision on the site.

CONCLUSIONS

The principle of residential development on the site of this bowling green which is protected by Policy RT.1 is not considered to be acceptable as the submitted survey is inadequate. Even if the results of the survey were accepted they do not show that there is an excess provision of bowling greens in Crewe and the application does not propose a suitably located alternative which is of equivalent or greater value.

The application does not include a contaminated land assessment and as a result insufficient information has been submitted with this application and the proposed development is contrary to guidance contained within Annex 2 of PPS23.

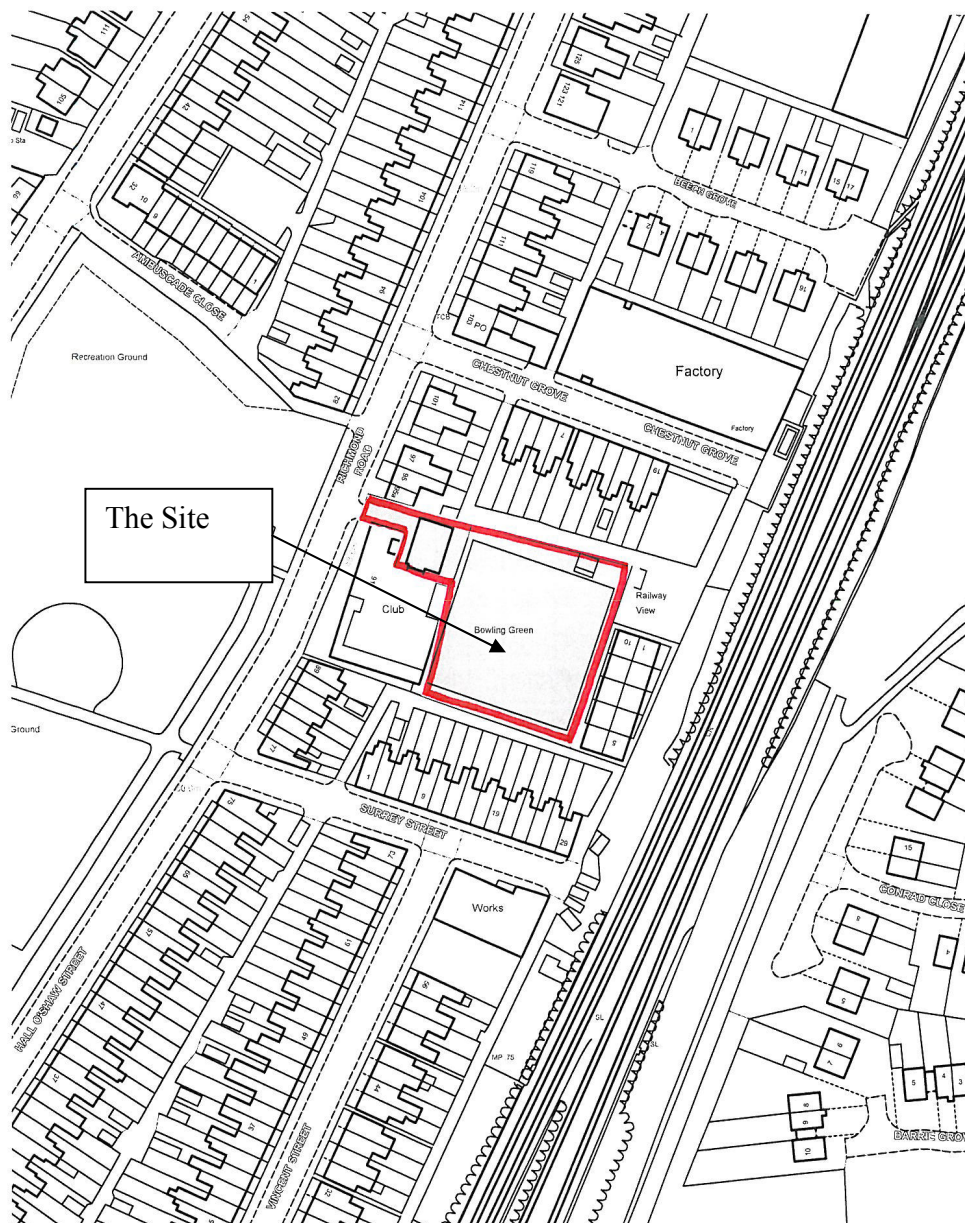
The indicative layout plan shows that the application site can be developed for 14 dwellings without adversely impacting upon residential amenities at nearby properties, raise any highway safety/parking implications or adversely impacting on the character and appearance of the area.

RECOMMENDATIONS

REFUSE

- 1. The application site is defined as an area of open space with recreational or amenity value where there is strict control over new development. The submitted application does not adequately assess the need for bowling greens within Crewe in accordance with the companion guide to PPG17. Even if the results of the RT.1 Assessment were accepted they do not show that there is an excess of bowling greens in the area and the application does not propose a replacement facility in a suitable location. The proposal is therefore contrary to Policy RT.1 (Protection of Open Space with Recreational or Amenity Value) of the Crewe and Nantwich Replacement Local Plan 2011, PPS1 (Delivering Sustainable Development), PPG17 (Planning for Open Space, Sport and Recreation) and advice contained within the Sport England Statement 'Planning for Sport & Active Recreation: Objectives and Opportunities'.**
- 2. Insufficient information has been submitted with the application in relation to land contamination on this site. Annex 2 to PPS23 advises that outline permissions should not be granted until the LPA is satisfied that it understands the contaminated condition of the site and that the proposed development is appropriate as a means of remediating it. In this case no such information has been submitted and the application is contrary to PPS23 (Planning and Pollution Control).**

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4497N**

Location: **Little Island Nurseries, Haymoor Green Road, Wybunbury, Cw5 7hg**

Proposal: **Change of Use for the Land From Horticultural to Equestrian, The Provision of a 60x30m Manege and 60x12m Stable Block, a Muck Midden and Hay Store, a Horse Walker and the Request for Variation of Occupancy of the Site to Include Equestrian Manager**

Applicant: **Mr G Heath**

Expiry Date: **18-Jan-2011**

Ward **Doddington**

Date Report Prepared: 6th January 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES:-

- **The principle of development**
- **Whether there is a functional and financial need for an equine workers dwelling and does the new business satisfy the financial test**
- **The impact upon the character and appearance of the Open Countryside**
- **Amenity**
- **Highways implications**
- **Protected Species**

REASON FOR REFERRAL

This application is referred to the Southern Area Planning Committee at the request of Cllr Walker for the following reason

'I believe the Committee should discuss the impact of this application on the open countryside (Policy NE.2)'

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Haymoor Green Road within the Open Countryside. To the front of the site is a detached two-storey red brick dwelling which has an agricultural tie. To the east of the dwelling the majority of the greenhouses and buildings which were associated with the former nursery have now been demolished and work has commenced on the manege which is part of this application. To the northern boundary of the site two

buildings associated with the former nursery have been retained. A small brook runs along the northern boundary of the site and the site is enclosed by mature hedgerows and a number of trees of varying sizes.

DETAILS OF PROPOSAL

This is a full planning application for the following developments;

- The erection of a stable building which would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The stable would have a concrete base with Yorkshire Boarding above and would accommodate 20 horses
- The construction of a manege which would have a length of 60 metres, a width of 30 metres and would be enclosed by 1 metre high post and rail fencing
- The provision of a muck midden and hay store which would have a width of 6 metres, a length of 6.6 metres and a sloping roof with a maximum height of 4.2 metres. This would have a concrete base with Yorkshire Boarding above
- The provision of a horse walker

The application also includes a request to vary condition 3 attached to planning permission P03/0291 to allow the dwelling to be occupied by an equestrian manager in operating the proposed livery. This condition states that;

The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason :- The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the land for agriculture or forestry, and the condition is imposed to ensure the development complies with National and Local Policies for the protection of the countryside.

RELEVANT HISTORY

10/2457N - Change of Use from horticultural to equestrian, provision of open air manege, stable block, horse walker, muck midden and hay store. Variation on occupancy of tied dwelling to include occupation for equestrian management – Refused 22nd September 2010

P03/0291 - Agricultural Workers Dwelling – Approved 21st November 2003

P01/0796 - Agricultural Workers Dwelling – Refused – Appeal Lodged

P01/362 - Detached Dwelling – Refused 4th June 2001

7/20012 - Renewal of temporary permission 7/15572 for mobile home – Approved 26th September 1991

7/19375 - Erection of glass housing – Approved 7th February 1991

7/15572 - Erection of mobile home on existing agricultural land – Approved 11th July 1988

POLICIES

Local Plan Policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

RT.6 – Recreational Uses in the Open Countryside
RES.5 – Housing in the Open Countryside
RES.6 – Agricultural and Forestry Occupancy Conditions
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP3 – Promote Sustainable Economic Development
DP7 – Promote Environmental Quality
RDF2 – Rural Areas
L1 – Health, Sport, Recreation, Cultural and Education Services Provision
EM1 – Integrated Enhancement and Protection of the Region's Environmental Assets

Other Material Considerations

Planning Policy Statement 1 - Delivering Sustainable Development
Planning Policy Statement 4 - Planning for Sustainable Economic Growth
Planning Policy Statement 7 - Rural Areas
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Guidance Note 17 - Planning for Open Space, Sport and Recreation

CONSULTATIONS (External to Planning)

Environmental Health: No comments received but as part of the previous application the following comments were made; *'This site has recently been investigated by Environmental Health following complaints of burning thereby resulting in smoke nuisance. This Division did serve an Abatement Notice on Mr Graham Heath requiring the activities of burning to be ceased immediately with no burning to be undertaken in the future. A recently completed detailed study into local air quality has found exceedences of Air Quality Standards and Objectives for nitrogen dioxide. The Council therefore has a statutory duty to declare Air Quality Management Areas. There is now a focus on air quality in the Borough as a whole and to maintain a Healthy and Desirable Borough in which to live in, alongside aiding the improvement of Air Quality, the burning of materials is to be discouraged. Thus the Burning of manure and general stable waste should be prohibited. Conditions requested in terms of external lighting, pile driving, hours of construction and hours of operation'*

Strategic Highways Engineer: The highways authority has no objections to this proposal. *N.B. Visibility could be improved by trimming back and maintaining the hedge line throughout the summer months. The highways authority recommends that this takes place at regular periods. (Please note that this is a recommendation only and is not part of any formal condition).*

VIEWS OF THE PARISH COUNCIL

- Wybunbury Parish Council objects to the recent change of use application (10/4497). Since then, any resemblance to a horticultural nursery has been removed at a great inconvenience to residents due to noise, extra traffic and toxic fumes on various days and late into the evening.

- The residential house has been left in quite substantial grounds with no connection to its original purpose.
- To remove the horticultural/agricultural condition from the house would render it a private residence by stealth with associated equestrian/livery facilities whether they be for the owners use or as a commercial business.
- Since the removal of the nursery, it turns the application into a development in the open countryside which is contrary to the current local plan. Also, if there was an associated DIY livery attached, this would be a commercial leisure activity in open countryside, but would not provide local employment by the nature of it being DIY. This too would be contrary to the local plan.
- The Parish Council request that this application also be refused and the applicant be charged to reinstate the land to agricultural use to comply with the condition of use.
- The current application as submitted would lead to over development of the site.
- There is no screening to the manege as shown on the planning application.
- The land as stated for extra excursive of the horses is not in the current ownership of the applicant

OTHER REPRESENTATIONS:

Letters of objection received from the occupants of Rosemead, The Moorlands, and Sunnyside, Wybunbury Lane and Fairfields, Haymoor Green Road raising the following points;

- Keeping the tie on the property would help protect the site from any future development
- Noise from people on the site and the horses
- The building is too large to serve as a stables
- The stable will be a blot on the landscape
- Traffic generation caused by the requirement to empty the muck midden and deliver food and hay
- The proposed hours of operation would cause disturbance
- Any floodlighting would be intrusive and cause numerous problems
- No pre-application discussion has been carried out with local residents
- Works have already commenced on the site
- Increase in traffic
- Visibility at the site entrance
- Loss of ponds
- Together with the approved Gypsy site and Rugby pitches the development would be an overdevelopment of Wybunbury Lane
- No internal layout of the stable building
- The site will not support the number of horses which the applicant is suggesting
- The quotes given in relation to DIY livery have been exaggerated
- Full business accounts are required
- Manure storage problems
- The references to rented land cannot be considered as there is no control over this

APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement produced by Civitas Planning and dated November 2010

- This document also includes the Design and Access Statement and a Business Plan for the business
- The document makes the following conclusions;

- The application represents a well-balanced application for an equine based business complex that will serve the local community as a facility to store their horses that can be used for outdoor recreation in a rural context. The application also removes the eyesore buildings that are currently on the site and replaces them with suitable rural buildings that will improve the amenity of the area for local residents. Permission for this site would support a local farmer's family who wishes to diverse into a further rural enterprise and help boost the local economy

Ecological Appraisal produced by Ecology First and dated 19th June 2010

- The development could proceed without significant impact upon local amphibian populations which do not appear to include Great Crested Newts
- Several 'Reasonable Avoidance Measures' are suggested to minimise the risk to other amphibians, particularly during the removal of materials stored near the newt pond
- No other wildlife interests will be affected by the development

Highway Report produced by Bob Hindhaugh Associates dated November 2010

- There are no tangible highway reasons that would cause any adverse highway safety or traffic concerns for a small development of this nature in this area
- The visibility splays that are in place are more than adequate and the access arrangements with inward opening gates are of an acceptable specification to serve this typical rural development without any changes being required

OFFICER APPRAISAL

Principle of Development

The principal issues surrounding the determination of this application are the impact of the proposed development upon surrounding residential amenity, highway issues, the impact upon the character and appearance of the surrounding countryside and the potential impact upon protected species. Furthermore, it must be assessed whether the functional and financial test outlined in PPS7 have been met with regard to the variation of the tie attached to the agricultural worker's dwelling on the site.

The policies most relevant to the determination of the principle of this scheme are NE.2 (Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site falls within the open countryside as defined in the Local Plan and NE.2 (Open Countryside) states that only development essential to agriculture, forestry or outdoor recreation that are appropriate to a rural area will be permitted, to preserve the surrounding rural character. Policy RT.6 allows recreational uses in the open countryside where they meet a number of criteria including that they do not harm the character or appearance of the area.

The site was a former nursery and guidance given within PPS4 states that Local Planning Authority's should support *'small-scale economic development where it provides the most sustainable option in villages or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport'*

PPG17 suggests that sports and recreational activities should be given favourable consideration in rural locations. It also states that they will require *'special justification to be*

located in the open countryside' and 'All diversification in rural areas should be designed and sited with great care and sensitivity to its rural location.'

Open Countryside and Equine Uses

Policy NE.2 restricts development within the open countryside to that which is essential to agriculture or other appropriate activities. Proposals relating to equestrian uses are usually accommodated under the outdoor recreational exception (Policy RT.6). Therefore the use of the land for the keeping of horses including the construction of appropriately sized/located stables is supported by policy.

Policy Requirements of Rural Workers Dwellings

The approval for the dwelling on the site has a condition and a legal agreement which restrict the dwelling to being occupied by a person solely or last working in agriculture. The proposed equine use would not fall within the definition of agriculture and a person operating a livery could not occupy the dwelling in accordance with the condition and legal agreement. It is therefore necessary for the applicant to apply to vary the condition and legal agreement (variation of the condition is sought as part of this application).

Policy RES.6 (Agricultural and Forestry Occupancy Conditions) states that agricultural occupancy conditions will not be removed unless a number of criteria can be met. In this case it is clear that the dwelling is no longer needed in connection with the enterprise which generated the need for its construction as the nursery operation has ceased on the site and the glasshouses required in connection with that business have now been demolished. The policy also requires the applicant to demonstrate that there is no long term need for the dwelling to accommodate agricultural workers and for the property to be marketed. In this case it is considered that the principle of a variation in the occupancy condition so that it can be occupied by an equine worker is acceptable because equine development at this site can only be located in the open countryside.

As the varied condition would allow somebody currently or last employed in equine working to occupy the dwelling (no matter how long they were employed) it is necessary to apply the tests contained within PPS7, specifically Annex A, and RES.5 (Housing in the Open Countryside). This is to ensure the development is fully scrutinised as it is important to establish whether the stated intentions to engage in the equine business are genuine, are reasonably likely to materialise and capable of being sustained for a reasonable period of time.

As the dwelling would be for worker employed in a newly created rural business, if a variation of condition is to be granted it is considered that this should be for a 3 year temporary period only in line with Annex A of PPS7. This is to ensure that the proposed business is fully scrutinised as stated above. The following tests therefore need to be met to show that a variation in the condition to allow it to be occupied by an equine worker is essential to the new rural enterprise;

i) *'Clear evidence of a firm intention and ability to develop the enterprise'* – The applicant intends to invest in the business through the provision of a manege, stables, and horse walker. It is considered that this proposed investment is an indication of the owners intentions. In terms of the owner's abilities, the supporting planning statement states that the applicant owns the following horses; seven brooding mares which are ex British show jumpers of breeding quality,

young foals and followers, two national show jumpers, one breeding stallion and three ponies. All of these horses are kept at the applicant's dwelling and will not be kept at the application site. Given this information it is considered that this test has been met.

ii) 'A functional need – that it is essential for the operation of the enterprise to have a worker readily available' – As part of this application an assessment has been provided which shows that there is the following labour requirement to serve the proposed enterprise;

- Daily welfare checks (1 hour per day)
- Mucking out (2 hours per day)
- Turn out and bringing in (1-2 hours per day)
- Holiday cover (hours can vary but can increase daily hours by up to 50%)
- Full livery options (dependent on numbers but could be an additional hour per horse)
- Administration (1 hour per day)
- Pasture management (half an hour per day)
- Security (8 hours per night)

Application 10/2457N was refused in the past because there was perceived to be a lack of land for the proposed stabling of 20 horses. The applicant has 8 acres of pasture land for horse grazing, and intends to stable 20 horses. The British Horse Society (BHS) recommended acreage requirement per horse or pony is 1 - 1.5 acres per horse. Using this guidance the land could only support 8 horses and not the 20 horses which are proposed as part of this business. As a result the previous application was recommended for refusal. However the applicant's submission states that they have contacted the BHS and they have confirmed that the proposal is viable as long as the project is well planned and managed. The case officer has contacted the BHS separately and they have confirmed that this is the case as the land would only provide supplementary grazing and turnout exercise and there are many livery operations across the country which are operated in a similar way. It is therefore considered that the proposed development is functionally acceptable and the previous reason for refusal has been satisfied.

iii) 'Clear evidence that the enterprise has been planned on a sound financial basis' – A business plan for the proposed business has been submitted in support of this application.

There is no definition of financial soundness or viability in planning guidance. However, normal economic assessments of any business would expect a financial performance which provided a reasonable return on the resources deployed in it, notably land, labour and capital and a stable relationship between its current assets and liabilities. Such an assessment base would accord with advice previously given by MAFF to Local Planning Authorities on the subject of agricultural workers dwellings.

The applicant's agent has indicated that the proposed business would charge £50 per week for DIY livery provision. Supporting evidence has been submitted with this application which indicates that this figure is comparable to other similar businesses in the area. These figures are disputed by 1 local resident who states that they are misleading as they have been quoted lower prices from nearby DIY liveries. An article on the web-site www.equine-world.co.uk states that the estimated DIY livery price would be £30-£40 a week.

The business plan shows that the business would make a healthy profit. However this does not include depreciation, and returns on land, labour and capital. In terms of a return on labour this would equate to a minimum agricultural worker's wage which stands at £13,455.

In terms of the return on land, this would be a notional rent. A recent application at Ash Tree Farm at Blakenhall calculated this at 1 acre @ £65. When taking this assessment into account for the 8 acres of land owned by the applicant this would equate to £520.

As the applicant has not indicated the cost of the buildings or site it is not possible to calculate the return on capital which would be 2.5%. However following the deductions for return on land and labour the business would still make a healthy profit from which the return on capital and depreciation could be deducted which would leave a financially sound business. This conclusion is made using both the figure of £50 a week for DIY livery suggested by the applicant and £40 a week taken from the internet research.

iv) 'The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned' – This proposal relates to an existing dwelling on the unit not a proposed dwelling and this criterion has been met.

v) 'Other planning requirements, e.g. in relation to access or impact upon the countryside are satisfied' – This issue will be addressed separately below.

Design

The proposed stable block would be of a rectangular form with a shallow pitched roof. The stables would have a width of 12 metres, a length of 60 metres and a ridge height of 5.5 metres. The proposal is considered to be of a simple design and materials in this open countryside location. Given that the justification for a stable block of this size has now been accepted it is considered that the building is of an appropriate design which would not appear dissimilar to many modern agricultural buildings. The building would be sited on the footprint of the former glasshouses on the site and would be viewed in relation to the existing buildings which stand on the site. It is therefore considered that a stable block is an appropriate form of development within the open countryside and complies with Policies NE.2 and RT.6.

Although the proposed manege is large in size it is considered to be a relatively small scale development that is of a temporary nature and that could easily be removed from the site. The proposal would be enclosed by a simple post and rail fence and given its scale it would not have a detrimental impact upon the character and appearance of the open countryside.

The muck midden/haystore and horse walker are minor forms of development and it is considered that the siting and scale of these is appropriate.

A number of the letters of objection have referred to floodlights and the impact that they may cause. The proposed manege would include the provision of 8 floodlights although the height and design of these are not known at this stage. These details could be controlled by condition. The principle of floodlighting in this location is considered to be acceptable as similar floodlighting is currently in use at the nearby Crewe Vagrants Club which is approximately 290

metres from the application site. It is not considered that this floodlighting would cause significant harm to the character and appearance of the open countryside in this location.

Amenity

The principal impact on amenity arising from the development is likely to be the noise arising from the stabling of horses on the site and the compatibility of this use with surrounding uses; namely the nearby residential property.

Horses that are stabled tend to make more noise due to banging at feeding times. This can have an impact on neighbouring amenity. However this impact is likely to be intermittent and minor in its impact due to the limited number of horses at the site, particularly since the nearest residential property is approximately 70m away from the proposed manege. Furthermore the Council's Environmental Health Officer has no objection to the proposed development in relation to noise as part of the previous application.

The proposals would be unlikely to have a significant impact on neighbouring amenity. In relation to the compatibility of the proposed use with surrounding land uses, equine facilities require rural locations and the proposal will not appear out of character or an incongruous feature within the open countryside.

The manege would include eight 70W floodlights and in terms of the impact upon residential amenity the Environmental Health Section have requested a condition to ensure that the lights are angled and positioned to ensure no light spillage (zero lux) at the elevations of the nearby residential properties. This condition would ensure that there is no detrimental impact upon residential amenity from the proposed lighting columns.

Highways

Concerns have been raised over the highway safety implications and traffic generation issues raised by the proposed development. The Strategic Highways Engineer has raised no objection to this. Although the Strategic Highways Engineer suggests visibility improvements he does state that there would be no formal requirement to improve the visibility splays. It is considered that traffic speeds at the point of the access onto Haymoor Green Road are relatively slow as vehicles will reduce speed as they approach the junction with Wybunbury Lane. As a result it is not considered that the visibility improvements suggested by the Strategic Highways Engineer are required and the development is acceptable in terms of its highway safety/traffic generation implications.

Protected Species

In terms of protected species, the main species that could be affected by the development are Great Crested Newts, Badgers and Water Voles. The protected species survey indicates that Great Crested Newts, Badgers and Water Voles are unlikely to be affected by the development and these conclusions are accepted by the Council's Ecologist.

As part of the site clearance works two ponds which were suitable for Great Crested Newts and were used by Smooth Newts and Common Frog have been removed from the site. If the

application was recommended for approval a condition requiring replacement ponds would be attached to any permission.

Other Issues

Concern has been raised by some residents over the cumulative impact of the proposed development together with the approved Gypsy site and Rugby Pitches. In response to this, each application is determined on its own merits and the scale of these developments is considered to be relatively minor and when combined they would not have a detrimental impact upon the character and appearance of Wybunbury Lane.

It is accepted that works have already commenced on the site. This is at the applicant's own risk and is not a reason to refuse the application.

The plans do not include an internal layout of the stable building. This could be controlled by condition should the application be approved.

CONCLUSIONS

It is proposed to vary the occupancy condition so that the existing dwelling on site can be occupied by an equestrian manager as part of the proposed equine business. In order to ensure that the enterprise is genuine, is reasonably likely to materialise and is capable of being sustained for a reasonable period of time it is necessary to apply the criterion of Annex A to PPS7. The supporting information demonstrates that the development would meet the functional and financial tests of Annex A PPS7 and that the applicant has an ability to develop the enterprise. It is therefore considered that the proposed variation of condition is acceptable subject to the use of a 3 year temporary occupancy condition.

Following the submission of additional information and the case officer's discussions with the British Horse Society, the justification for a stable building of the size proposed is accepted and it is considered that the development would not be harmful to the character and appearance of the open countryside.

The proposed manege, horse walker, and muck midden/hay store are considered to be acceptable in principle and would not raise any implications in relations to residential amenity, protected species, highway safety and are of an acceptable design.

RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

- 1 Standard time 3 years**
- 2 Development to be carried out in accordance with the approved plans**
- 3 Surfacing Materials to be submitted to the LPA and approved in writing**
- 4 External materials to be submitted to the LPA and approved in writing**
- 5 Removal of stables, manege, muck midden/hay store and horse walker within six months of the date when they cease to be used for equine purposes**
- 6 Work to stop if protected species discovered**
- 7 No external storage**

7 Hedgerow and tree retention

8 Within 3 months of the date of approval details of the creation of 2 ponds within the application site should be submitted to the LPA and approved in writing. The ponds shall be constructed before the stables hereby approved are first brought into use

9 Agricultural occupancy condition attached to the dwelling to be varied for 3 years only

10 Details of pile driving operations to be submitted to the LPA and approved in writing

11 Hours of operation to be restricted to 06:00 – 20:00 Mon – Sun (including Bank Holidays)

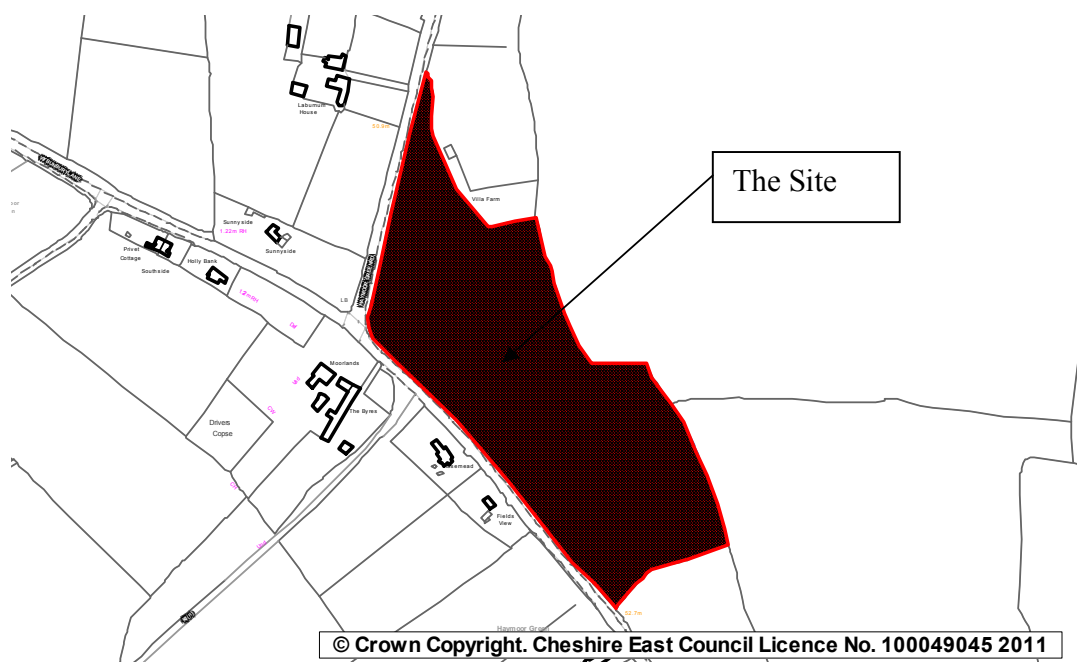
12 Before development commences, details of all external lighting equipment (including design and height) shall be submitted to and approved by the Local Planning Authority. The lighting in the scheme should be erected and directed so as to avoid nuisance to residential accommodation in close proximity. Lights shall be angled and positioned to ensure no light spillage (zero lux) at the elevations of the nearby residential properties. High intensity lights shall be positioned so that the source is not visible at nearby residential properties. No other lighting equipment may then be used within the development other than as approved by the Local Planning Authority.

13 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.

14 Floodlighting shall not be in use from 20:00 until dusk the next day

1.

Location Plan



Application No: **10/4539N**

Location: **416, Newcastle Road, Shavington, CW2 5EB**

Proposal: **Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes**

Applicant: **Mr J Parton**

Expiry Date: **13-Jan-2011**

Ward: **Doddington, Rope**

Date Report Prepared: 6th January 2011

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- **Principle of development**
- **The impact upon neighbouring amenity**
- **The impact upon the character and appearance of the site and the wider Open Countryside**
- **Trade counters**
- **Highway safety/parking provision**

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee by Cllr Brickhill for the following reason;

'The reasons for call in are

- 1. Commercial activity increase in a residential area bordering on green fields.*
- 1. Overdevelopment of the site. There are already five or six units in place or approved there.*
- 2. Parking problems on site even with the existing/new but now available car park sites shown on the drawings*
- 3. Parking will be further restricted when the two warehouses, for which permission has already been given, are developed*
- 4. The use of one of the existing warehouses as a much needed play barn does give rise to parking problems at peak times when parking overflows onto the Newcastle Rd causing further traffic hazard*
- 5. Egress from the site is dangerous. The entrance nearest the bend is marked no exit. This is often ignored. Drivers on the main road cannot see vehicles emerging until collision (nearly)*

takes place. The alternative is to drive through the petrol station endangering other drivers who are going to and from the kiosk to pay for fuel/ obtain goods.

6. Further increase in traffic caused by this additional unit and the decrease in available car parking it will cause on the whole site causes an immense local danger.

7. Residents living opposite the garage site have objected to the application and notified me.

8. I felt that some members of the parish council thought that the officers note with the application was very biased in favour of the applicant. This gave rise to ideas that he had already made a decision before hearing objections. Hence the need to take the decision to councillors.

I give notice that it will be my intention to attend the committee and to speak against the application'

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is an ESSO petrol filling station, to the west of the site is a car garage (ABP) and a children play centre (Playworld). To the north-east of the site is 418 Newcastle Road which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

DETAILS OF PROPOSAL

The proposal is for the erection of a single storey building that would be used for B1 and B8 purposes. The building would have a length of 13.8 metres, a width of 13.5 metres, an eaves height of 3.7 metres and a ridge height of 5.8 metres. The scheme would include a re-orientation of the car parking on the site with a total car parking provision of 83 spaces.

RELEVANT HISTORY

10/0714N - Construction of Single-Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage & Distribution) Purposes – Approved 22nd April 2010

P08/1158 - Construction of Car Show Room and Display Area (Amendment to Approval P07/1028) – Approved 2nd December 2008

P07/1028 - Renewal of P02/1157 Construction of Car Showroom and Display Area – Approved 11th September 2007

P07/0615 - Change of Use to Childrens' Playcentre and Mezzanine Floor – Approved 10th July 2007

P06/0399 - Outline Application for Two Dwellings – Refused 7th June 2006

P02/1157 - Renewal of Permission for Showroom and Car Display Area – Approved 18th December 2002

P97/1018 - Renewal of permission for car showroom and display area – Approved 5th February 1998

P96/0694 - Installation of storage boxes – Approved 1st October 1996

P93/0064 - Car showroom and display area – Approved 11th March 1993

7/19701 - Various illuminated advertisements – Approved 26th July 1991

7/19112 - Internally illuminated gantry sign – Approved 9th January 1991

7/19057 - Re-development of Shavington Service Station – Approved 29th November 1990

7/17204 - Re-development of existing service garage to replace canopy and buildings and alterations to vehicular accesses – Approved 12th October 1989
7/16083 - New workshop premises including showroom – Approved 3rd November 1988
7/11265 - 8 dwellings – Refused 27th September 1984
7/04952 - Extension to showroom, new pump island new canopy and valeting bay – Approved 29th March 1979
7/04724 - C.O.U. part of garage premises to display area for the sale of vehicles – Withdrawn 17th November 1978

POLICIES

Development Plan policies

Local Plan policy

NE.2 – Open Countryside
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
E.6 – Employment Development in the Open Countryside
TRAN.9 - Car Parking Standards

Regional Spatial Strategy

DP1 (Spatial Principles)
DP3 (Promote Sustainable Economic Development)
DP7 (Promote Environmental Quality)
RDF1 (Spatial Priorities)
MCR4 (South Cheshire)
EM18 (Decentralised Energy Supply)

National policy

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas

CONSULTATIONS (External to Planning)

Environmental Health: Request conditions in relation to contaminated land, construction hours, pile driving, external lighting, acoustic enclosures for fans and the submission of a noise impact assessment.

Strategic Highways Manager: There will be no significant impact on the surrounding highways network as a direct result of this proposal. No highways objections.

OTHER REPRESENTATIONS

One letter of objection received from the occupants of 469 Newcastle Road which raises the following points;

- Increased traffic movements
- Parking

- Highway safety
- Visual amenity

PARISH COUNCIL

Shavington Parish Council: The Parish Council does not want to see the further enlargement of this industrial site - the site already has parking issues and additional car parking provision for up to 66 vehicles will give rise to major concerns over road safety for access and egress from the site.

Hough & Chorlton Parish Council: Hough & Chorlton Parish Council has considered application 10/4539N and shares the concerns already raised by Shavington Parish Council and Cheshire East Councillor David Brickhill with regards to the expansion of this site and the ensuing traffic problems.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement (Produced by Emery Planning Partnership and dated November 2010)

- This application seeks full planning permission for the construction of a single-storey building to be used for B1 and B8 purposes at 416 Newcastle Road.
- This follows the approval of planning permission for the construction of a similar development to the front of the site in April 2010. The height of the building is also identical to that extant permission.
- The above permission remains a valid permission and is fully capable of being implemented. This is a significant material consideration and should be given substantial weight in the determination of this application.
- It has been acknowledged by the planning officer in pre-application discussions that the proposed construction of an industrial building would, in principle, comply with the requirements of Policy E.6 in the local plan which allows commercial developments within the open countryside.
- The proposed building would be positioned at the rear of the site adjacent to an existing workshop where it would have the least impact. It would be almost identical in appearance to the approved building at the front of the site.
- The proposed building and the uses would not conflict with the objectives of local plan policies and would not result in any greater harm to the character and appearance of the area, the amenity of neighbouring properties and highway safety. Planning permission should therefore be granted.

OFFICER APPRAISAL

Principle of Development

The application site stands on the south side of Newcastle Road, located to the South East of Shavington. The application site is located within the open countryside just outside of the Shavington Settlement Boundary. Policy E.6 of the Crewe and Nantwich Replacement Local Plan 2011 encourages appropriate employment development in the Open Countryside and restricts it to small industries, commercial business enterprises within or adjacent to existing groups of buildings, in accordance with policies BE.1 – BE.5.

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; these include accessibility and design considerations.

In consideration of this it is considered that the development would consist of a small scale business development adjacent to an existing employment area. The development would therefore comply with Policy E.6 and PPS4.

Amenity

The main residential property affected by the proposed development would be 418 Newcastle Road which is located to the north-east of the site. Given that there would be a distance of approximately 33 metres from the nearest point of 418 Newcastle Road to the proposal and that the area immediately adjacent to the boundary is a small yard area with the private garden area of 418 Newcastle Road located to the side of the dwelling it is considered that the proposed development would not have such a significant overbearing impact or cause significant loss of light as to warrant the refusal of this planning application.

The B1 use class is a use that can be carried out without detriment to the amenity of any residential area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As a result it is considered that the use of the site for a B1 use is acceptable.

The B8 use class relates to storage and distribution and this could potentially impact upon residential amenity. However the units are relatively small at 186.3sq.m and with the imposition of conditions relating to hours of operation, loading, no external storage and no external activities would address any concerns over the impact of a B8 use upon residential amenity.

Given the size of the proposed units and the level of existing vehicular movement at the site it is not considered that the proposed development would cause such a significant increase in vehicular movements that would cause such a detrimental level of disturbance to local residents as to warrant the refusal of this application.

Trade Counters

A genuine trade counter could, depending on the circumstances, be considered ancillary to a warehouse (B8) use and therefore even if omitted from a development description could be introduced later without the need for planning permission. But to qualify as a B8 use as applied for, the trade counter must be minor and ancillary to the main use.

In this instance and in order to ensure that the retail element (trade counter) of the proposal is maintained as ancillary and as a subsidiary element in the overall "B8 Use Class" of the site, appropriate conditions should be established to include the following provisions:

- Ensure that no mezzanine floors are provided without the express prior approval of the Local Planning Authority

- When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter will only be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre
- Restriction on the sale of goods to non - food goods.
- Prevent sub-division of the unit

The reasoning behind the use of such conditions would be to ensure that the trade counter element of the proposal is subsidiary and does not impact upon the vitality and viability of Crewe town centre or Shavington Village.

Design

The proposal is similar in form, style and appearance to the units approved under application 10/0714N (with glazed elements to its corners on the front elevation). Furthermore the site has a commercial appearance and given the design of the adjacent units it is not considered that the proposed development would appear out of character. As a result it is considered that the proposed development is now acceptable in terms of its design.

The proposed building would be sited within an existing employment area and the development would be viewed against the existing buildings on the site. Therefore it is considered that the proposed development would not have a detrimental impact upon the character and appearance of the wider open countryside.

Highway safety/parking provision

Concern has been raised over the increased vehicular movements on the site upon highway safety. However as part of this application the Highway Authority has been consulted and raised no objection. As a result it is not considered that the proposal would have a detrimental impact upon highway safety.

As part of the proposed development of the site 83 car parking spaces would be provided. The proposed unit would require a parking provision of 7.5 spaces (using a calculation for a B1 use which gives the higher standard), the units approved under application 10/0714N would require a total parking provision 10.6 spaces (using a calculation for a B1 use), the ABP unit would require a provision of 10.5 spaces (using the B2 use class) and the Play World children's centre has a condition requiring the provision of 20 spaces. This would give a total parking requirement for the site of 48.6 spaces which is less than the 83 spaces provided.

Although there would be an oversupply of car-parking on the site, the Strategic Highways Manager has not objected in relation to this issue. It is therefore considered that the supply of parking on the site is considered to be appropriate.

CONCLUSIONS

The proposed development is considered to be acceptable in principle despite the site being located within the open countryside. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity. Finally it is not considered that the proposed development would have a detrimental impact upon highway safety or parking provision at the site.

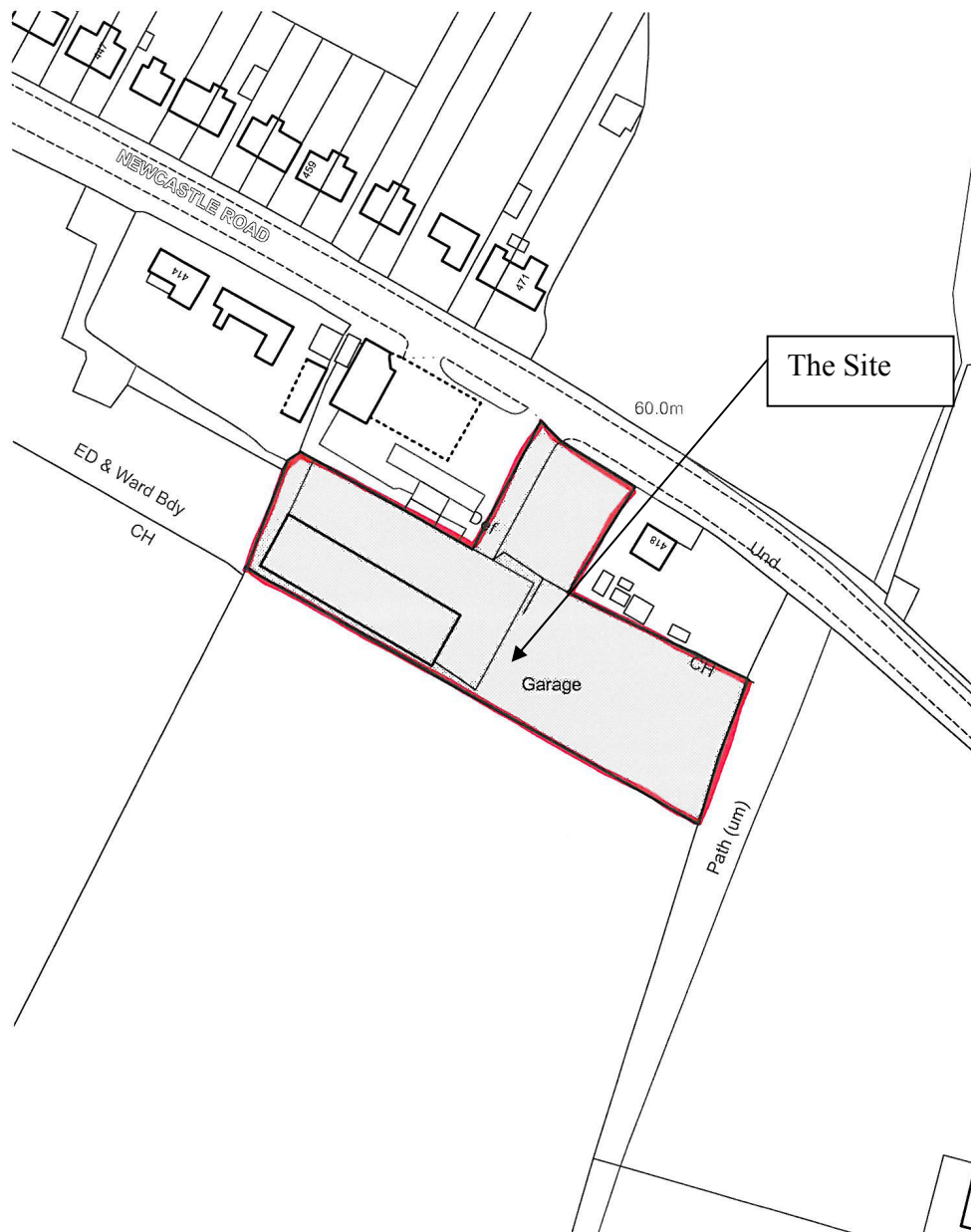
RECOMMENDATIONS

APPROVE subject to the following conditions

1. Standard time limit 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Surfacing materials to be submitted to the LPA and approved in writing
4. 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
5. Condition to specify the approved plans
6. The car parking shown on the approved plans to be provided before the unit hereby approved is first occupied
7. Cycle parking facilities to be submitted to the LPA and approved in writing
8. Shower facilities to be submitted to the LPA and approved in writing
9. Drainage details to be submitted to the LPA and approved in writing
10. Details of oil interceptors to be submitted to the LPA and approved in writing
11. External lighting to be submitted to the LPA and approved in writing
12. No external storage
13. When an end user is established and before any sales commence there shall be submitted for the prior written approval of the Local Planning Authority an internal floor plan indicating the extent and location of the trade counter (also indicating the customer access and the relationship of the sales counter with the remaining floor area). The trade counter shall be implemented in accordance with the approved internal floor plan referred to above indicating the extent and location of the trade counter. This condition is to ensure that the trade counter is kept as an ancillary element to protect the vitality and viability of the town centre
14. Prevent sub-division/amalgamation of the unit
15. Bin Storage details to be submitted to the LPA and approved in writing
16. Landscaping to be submitted to the LPA and approved in writing
17. Landscaping to be completed
18. Details of any acoustic enclosures to be submitted to the LPA and approved in writing
19. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.
20. Details of any pile driving to be submitted to the LPA and approved in writing
21. The units hereby permitted shall only operate (including deliveries) or be open to the public between the hours of 8.00a.m. and 18.00p.m. on Mondays to Saturdays inclusive and not at all on Sundays or Bank Holidays.

- 22. No external activities**
- 23. Restrict to B1 and B8 use classes only**
- 24. Restrict goods sold from any trade counter**
- 25. No mezzanine floors**
- 26. Noise impact assessment to be submitted to the LPA and approved in writing**

Location Plan: Licence No 100049045



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Application No: **10/4561N**

Location: **Land Adjacent To Gallaher Ltd, Weston Road, Crewe**

Proposal: **Extension to Time Limit of Application P07/1483 for a New Warehouse, Two Storey Office Block, Parking, Service Areas and Access Road**

Applicant: **Gallaher Ltd**

Expiry Date: **18-Feb-2011**

Ward **Crewe East**

Date Report Prepared: 6th January 2011

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.

DESCRIPTION OF SITE AND CONTEXT

The application site is a vacant plot of land which is located within the Crewe Settlement Boundary. The site is located on the south-eastern side of Crewe Road with warehouse units surrounding the site. An existing landscaping mound forms the boundary of the site to Weston Road.

DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission P07/1483. This permission relates to a new warehouse with offices on land fronting Weston Road which would be 110m wide and 85m deep and standing 19.5m to the ridge. The building would be constructed in brickwork and cladding. The entrance and office area would be on the east elevation facing the access road with unloading facilities on the north elevation. The office area would comprise 386sq.m and the warehouse some 9350sq.m. The site layout shows provision for parking 59 articulated vehicles and 100 car parking spaces (some near the office and some in the south-east corner of the site) all accessed off the existing service road. The building would be set

back from Weston Road behind a 5m wide access road and a landscape strip of variable width but only 2m deep at the closest point.

RELEVANT HISTORY

P07/1483 - New Warehouse, Two-Storey Office Block, Parking, Service Areas & Access Roads (Renewal of P02/1026) – Approved 29th January 2008

P02/1026 - New warehouse including offices, parking, service areas and access roads – Approved 30th November 2002

P98/0045 - Free-standing warehouse – Approved 5th March 1998

P92/0364 - Distribution centre – 21st May 1992

POLICIES

Local Plan policy

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.17 (Pollution Control)

NE.20 (Flood Prevention)

Regional Spatial Strategy

DP1 (Spatial Principles)

DP3 (Promote Sustainable Economic Development)

DP7 (Promote Environmental Quality)

RDF1 (Spatial Priorities)

MCR4 (South Cheshire)

EM18 (Decentralised Energy Supply)

National policy

PPS1 (Delivering Sustainable Development)

PPS4 (Planning for Sustainable Economic Growth)

PPG13 (Transport)

PPS25 (Development and Flood Risk)

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

CONSULTATIONS (External to Planning)

Highways: No objection

Environment Agency: No objection to the proposed extension of time subject to the inclusion of the conditions that we recommended be attached to the original planning permission.

Cheshire Fire Service: Access and facilities for the fire service should be in accordance with the approved document B supporting Building Regulations 2000 and Model Standards 2008 for Caravan Sites in England. The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations. The applicant should consider the inclusion of an automated water suppression system to enhance any proposed design.

OTHER REPRESENTATIONS

No representations received at the time of writing this report.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Dated November 2010)

- The scheme is of a design quality consistent with the function of the building and the wider area for storage and distribution uses. It is also of a similar quality to many of the structures already on site in this employment driven locality
- The landscape scheme is intended to ensure that the proposed development results in an overall improvement of this undeveloped and vacant site
- The site is in a sustainable location being within walking distance of Crewe Railway Station and bus stops on Weston Road
- The application fully complies with the relevant policies of the development plan
- The proposal has previously received support from the LPA

Transport Statement (Produced by SK Transport Planning and dated November 2010)
This report concludes that;

- The development site is located adjacent to Weston Road, south of Crewe Town Centre. The Transport Statement demonstrates that the site is well located in relation to existing residential areas and existing sustainable transport corridors. A travel plan framework has been produced for the development site outlining measures that should be considered for adoption upon occupation of the site
- The Transport Statement has demonstrated that the forecast development vehicular trips associated with the site are in line with that previously accepted by the highway authority for the site. Further the forecast development peak hour traffic is below that accepted as immaterial during the scoping process
- The Transport Statement concludes that future traffic can be safely accommodated on the surrounding highway network and that the development meets with local and national sustainable transport guidance

Flood Risk Assessment (Produced by RSK Group and dated November 2010)

- The site lies within Flood Zone 1 and is at little or no risk from fluvial flooding associated with Gresty Brook
- The surface water drainage system is designed to be fully compliant with PPS25 for a 1 in 100 year storm + 20% for climate change, and the resulting run-off (750cu.m) is fully contained on the site and therefore does not cause any risk of flooding to people or property on neighbouring land

- The flood risk to the site from man-made drainage systems has been assessed as low
- The risk of rising water levels in the shallow aquifer breaking the surface is considered to be low
- It is concluded that the proposed development is an appropriate form and design of development within the context of PPS25 and that all potential concerns relating to flooding have been adequately addressed in the proposed development

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 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 P07/1483.

In terms of Regional Policy the only policy which would alter the view taken in the original determination is Policy EM18 (Decentralised Energy Supply). This policy requires new non-residential developments above a threshold of 1000sq.m to secure at least 10% of their predicted energy requirements from decentralized and renewable or low-carbon sources. This issue will be controlled by the use of a condition.

In this case the only circumstances on the site which may have changed since the last application is the impact upon flood risk. In this case an amended flood risk assessment has been produced and this has been forwarded to the Environment Agency who has raised no objection to the development. As a result it is considered that the development is acceptable in terms of flood risk.

It is considered that the position and design of the building and the highway implications of the development which were accepted in 2008 are still acceptable in this location. The proposal will not have a detrimental impact upon the character and appearance of the area and would not have a detrimental impact upon residential amenity.

CONCLUSIONS

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

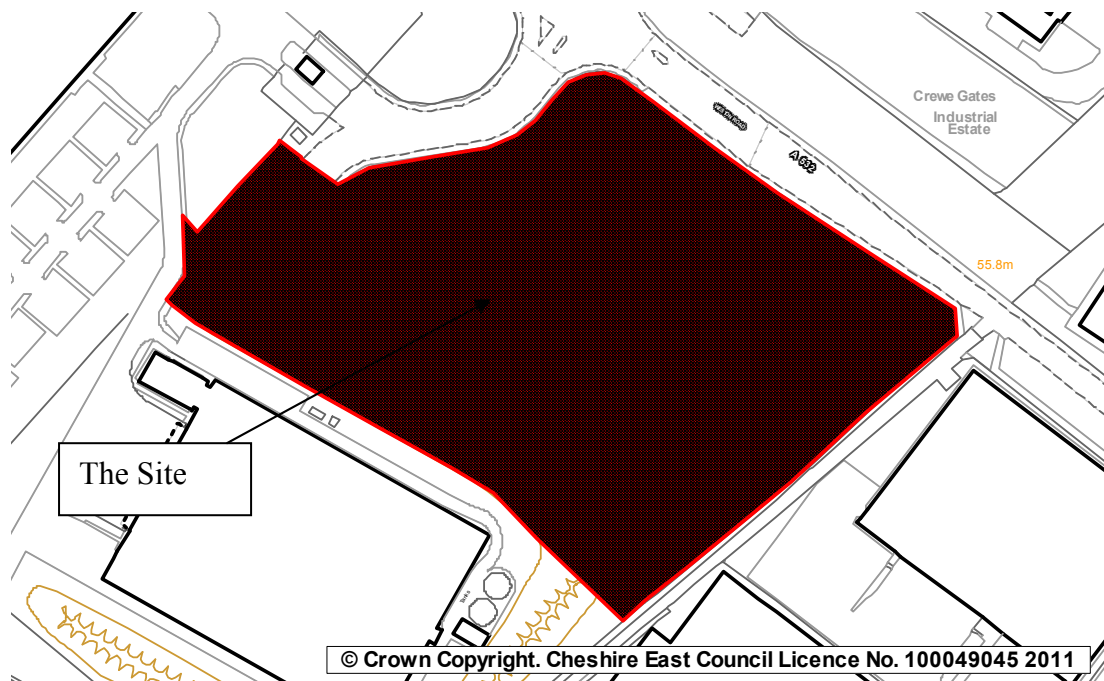
RECOMMENDATIONS

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. Green Travel Plan to be submitted to the LPA and approved in writing**
- 5. Car parking to be provided in accordance with Green Travel Plan**
- 6. Cycle parking to be provided in accordance with Green Travel Plan**
- 7. Shower facilities to be provided within the building in accordance with a scheme to be agreed in writing with the Local Planning Authority**
- 8. Landscaping scheme to be submitted and approved in writing**
- 9. Landscaping scheme to be completed in accordance with the approved details and maintained**
- 10. Scheme for a surface water regulation system to be submitted to the LPA and approved in writing**
- 11. Details of oil interceptors to be submitted to the LPA and approved in writing**
- 12. Details of bin storage to be submitted to the LPA and approved in writing**
- 13. Boundary treatment details to be submitted to the LPA and approved in writing**
- 14. Removal of trees and shrubs to be done outside of the bird breeding season unless first checked by a qualified ecologist**
- 15. Consent for a B8 building only**
- 16. Details of external lighting to be submitted and approved in writing**
- 17. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval**
- 18. No fencing on the Weston Road site frontage, any security fencing in this area shall be positioned within or behind the landscape strip**

19. Details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources shall be submitted to the Local Planning Authority and approved in writing

Location Plan



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Application No: **10/4757N**

Location: **PLOTS 5 AND 11, ORION WAY, CREWE, CHESHIRE**

Proposal: **Extension to Time Limit on Application P08/0562**

Applicant: **Hxrux (KP Dev) Ltd**

Expiry Date: **06-Feb-2011**

Ward **Crewe East**

Date Report Prepared : 13 January 2011

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

- **Principle of development**
- **Whether there have been any material changes in circumstances since the previous permission was issued which would warrant a different decision.**
- **Drainage.**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee because the proposal is for major development exceeding 1,000 sq m in floor area.

DESCRIPTION OF SITE AND CONTEXT

Orion Park is located on the east side of University Way, Crewe and was formerly known as Area B. The land is generally level although the north end is slightly higher than the remaining areas on the site. A number of employment units have already been constructed under previous permissions and this application relates to two further units (units 5 and 11) at the development. Unit 5 would be located between Parcelnet (Hermes) and the estate road at its southern end, on the site frontage. Unit 11 would be located at the northern end of the site, fronting University Way and would be immediately to the north of Parcelnet. There is currently a large soil mound stored on the site of Unit 11.

Orion Park is located in the settlement boundary of Crewe and the land is allocated for employment uses under allocation E.2.1 of the Replacement Local Plan 2011. To the rear of Orion Park is the Historic Park and Garden of Crewe Hall. Land to the north of Unit 11 is allocated for employment purposes or uses associated with Manchester Metropolitan

University in the Borough of Crewe and Nantwich Replacement Local Plan and has the benefit of outline permission for office development.

This application is submitted with application 10/4760N which is also reported on this agenda.

DETAILS OF PROPOSAL

The application seeks permission for 2,950 sq m of B8 and 302 sq m of offices with 36 car parking spaces in total, two of which are for disabled drivers, at Unit 5. Unit 11 is for 4,645 sq m of B8 use with 400 sq m of related office floor space and 52 car parking spaces of which two are for disabled drivers. Six cycle parking spaces are proposed for unit 5 and eight cycle parking spaces are proposed for unit 11.

Through the negotiations relating to the original permission for this development amended plans were submitted which adjusted the position of unit 5 on the site to open up views of the existing Parcelnet building on the adjoining plot and improved the elevational treatment to both buildings by the introduction of more glazed features with gull wing detailing which would be visible from public view points. At unit 11 the central sections of cladding between the glazed elements to University Way were subdivided to two horizontal sections to reduce the mass further.

Access to both sites is off the internal estate road.

RELEVANT HISTORY

10/3023N 2 New Windows at unit 16. Approved 30th September 2010.
10/3020N Temporary Permission for Operational & Site-based Staff Vehicle Parking Associated with the Occupation of Unit 16. Approved 30th September 2010.
P08/0951 Creation of first floor space and conversion of part of ground floor warehouse and use of building for B8 or B2 Unit 4. Approved 2nd October 2008.
P08/0562 Two Industrial Warehouses. Approved 29th July 2008.
P08/0561 Four industrial units. Approved 31st July 2008.
P08/0364 Additional office space and warehouse space below at unit 16. Approved 6th May 2008.
P08/0219 Additional windows at unit 14. Approved 11th April 2008.
P07/01263 Additional facilities at unit 12. Approved 22nd October 2007.
P07/0017 Outline permission for 5 office units. Approved 4th April 2007.
P06/1416 B8 Unit. Approved 9th March 2007.
P06/1260 B8 unit. Approved 12th January 2007.
P05/1463 Four B2/B8 units. Approved 7th February 2006.
P04/0489 part outline part full permission for general employment and warehousing. Approved 19th October 2004.

POLICIES

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

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
DP4 Make the Best use of Existing Resources and Infrastructure
MCR4 South Cheshire

Local Plan policy

E.2 .1 New Employment Allocations
BE.1 Amenity
BE.2 Design
BE.3 Access and Parking
TRAN.3 Pedestrians
TRAN.5 Provision for Cyclists
TRAN.9 Car Parking

National policy

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Development
PPS5: Planning for the Historic Environment

CONSULTATIONS

Highways: No response at the time of writing this report.

Environment Agency: It is noted that no objections were lodged or comments offered when the original application was determined. However the site area exceeds one hectare and no flood risk assessment has been submitted. The site lies in Flood Zone 1 (minimal risk). Given that there has been no change in policy since the last application was determined it would be unreasonable for the Agency to request a Flood Risk Assessment at this point in time. It is noted that the applicant's intention is to dispose of the surface water via sustainable drainage systems which ultimately discharge into the Englesea Brook. To ensure surface water is effectively managed and that flood risk downstream is not increased it is requested that conditions be attached to any permission (1) for the submission of a scheme of surface water regulation and its implementation and (2) for a scheme for the management of overland flow from surcharging of the site's surface water drainage system. The scheme shall include details of finished floor levels and ground level and be implemented in accordance with the approved details.

United Utilities: No response at the time of writing this report.

VIEWS OF THE PARISH COUNCIL:

None received at the time of writing this report.

OTHER REPRESENTATIONS:

None received at the time of writing this report.

APPLICANT'S SUPPORTING INFORMATION:

A Design and Access Statement was submitted with the original application.

OFFICER APPRAISAL

Principle of Development

The site is within the settlement boundary for Crewe. The principle of the use of this site for warehousing and distribution uses has been established through the allocation in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the previous planning permissions issued at this site. The pattern of development has now been established on the ground by the completion of a number of units.

Material Changes in Circumstances since the Previous Planning Permission was Granted

This is an application for an extension in time introduced to make it easier for developers to keep planning permissions alive during the economic downturn. Government advice states that in determining such applications, Local Authorities' should only look at issues which have changed significantly since the original planning permission was previously granted.

The changes in circumstance since the permission was granted in July 2008 relating to this development are changes in National Planning Policy. PPS4 "Delivering Sustainable Development" was in draft consultation form when the original application was prepared. The PPS has now been adopted. It supports the provision of employment development in sustainable locations. The development of this site will be in accordance with the principles of PPS4.

PPS5 "Planning for the Historic Environment" has also replaced the former PPG15. That document, similarly to its predecessor, seeks to protect heritage assets. The woodland around Orion Park is part of the Historic Park and Garden at Crewe Hall. That woodland does provide a good buffer between the inner areas of the Historic Park and Garden closer to Crewe Hall, a grade I listed building. However the sites for units 5 and 11 are on the road frontage away from the boundaries of Orion Park which adjoin the Historic Park and Garden and in that context with other employment units closer to the protected areas it is not considered that the development on the road frontage would adversely impact on it.

Drainage

The response from the Environment Agency notes that they raised no objections at the time the original application was determined. However the site in total exceeds one hectare and should be subject to a Flood Risk Assessment. Nevertheless a Flood Risk Assessment was not submitted with the original application but this may be because drainage work in association with the development of earlier plots at Orion Park took account of the need to

ensure that the whole site did not adversely impact on the Englesea Brook which lies to the east of Orion Park.

The two conditions requested by the Environment Agency can be included in any permission. The only drainage conditions on the current permission relate to a requirement for drainage from car parks to be passed through oil interceptors. This condition can also be retained on any permission granted.

Other matters

The design of the buildings was accepted in 2008 and there have been no changes in circumstance which would require a re-examination of the size, scale, layout and design of the development. There are no close dwellings to be adversely affected by the proposals. The land has previously been cleared of vegetation. In the formation of University Way a wildlife corridor was planted to the north of Orion Park and this is now established. This forms a link between the woodland around Orion Park and the frontage planting on University Way. Wildlife tunnels constructed under the road provide further links to woodland on the west side of University Way.

The Strategic Highways Manager has not commented on this application for an extension of time. However University Way was designed and constructed to carry traffic from employment land which was allocated to come forward with the construction of the highway. Car parking and access conditions attached to the previous permission should be repeated on this permission.

Conditions

The original permission included 15 conditions. A requirement for a Travel Plan required that this be drafted with reference to Cheshire County Council guidance and this should now refer to the Department of Transport "Essential Guide to Travel Planning". Similarly the access into each development should be constructed in accordance with Cheshire East standards rather than those of the former Cheshire County Council.

CONCLUSIONS

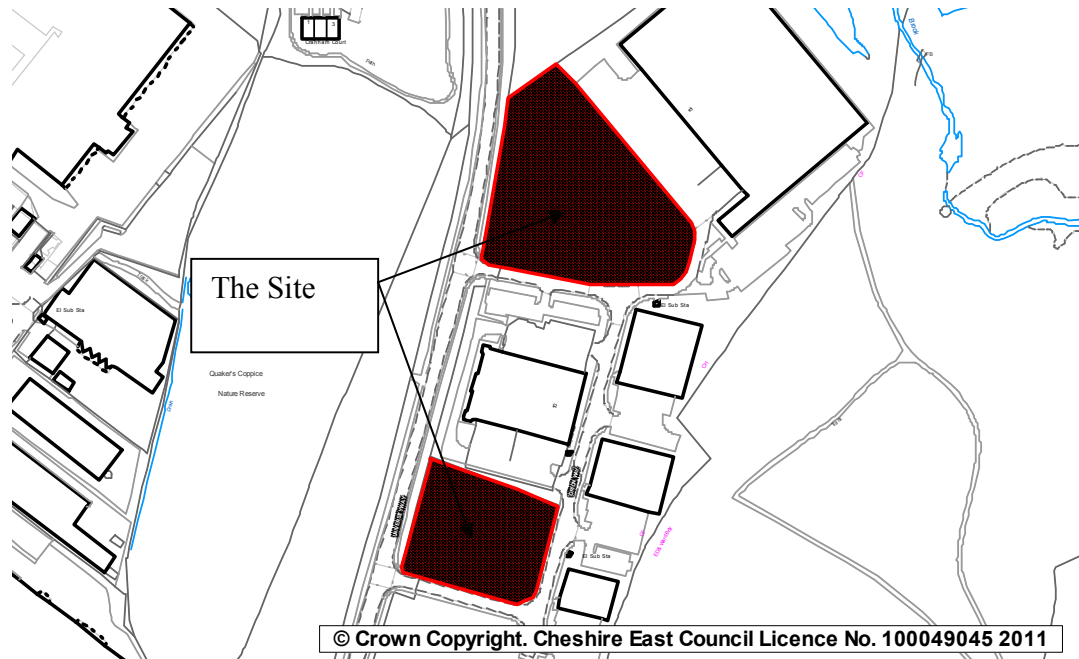
There have been no material changes in circumstances since the original permission was issued for this development which would warrant a refusal of this application. The development of two warehouse units will provide employment opportunities within the settlement boundary of Crewe, in a sustainable location. The extension of time would be in accordance with policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Government guidance.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

- 1. Standard**
- 2. Plans as per permission P08/0562.**
- 3. Materials as specified in the original application unless otherwise agreed in writing.**
- 4. Car Parking to be provided at each unit before it is occupied.**
- 5. Cycle Parking and linkages to University Way.**
- 6. Travel Plan to be submitted and occupiers required to participate in the Green Travel Plan.**
- 7. Landscaping scheme submitted originally for unit 5 to be modified to take account of position agreed under application P08/0562.**
- 8. Implementation and maintenance of landscaping at both plots.**
- 9. Showers to be provided in both units and available for all staff using that building**
- 10. Boundary treatment to match that used elsewhere on the development.**
- 11. Oil interceptors to car parks**
- 12. Lighting scheme to be submitted approved and implemented.**
- 13. No outside storage.**
- 14. Offices not to be occupied separate to the warehouse.**
- 15. Access to be constructed to CEC specification.**
- 16. Scheme of surface water regulation to be submitted approved and implemented.**
- 17. Scheme for the management of overland flow from surcharging of the site's surface water drainage system to be submitted approved and implemented. The scheme shall include details of finished floor levels and ground level and be implemented in accordance with the approved details.**

LOCATION PLAN:



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Application No: **10/4760N**

Location: **Plots 1- 4, Orion Way, Crewe, Cheshire**

Proposal: **Extension to Time Limit on Application P08/0561**

Applicant: **Hxruk (KP Dev) Ltd**

Expiry Date: **06-Feb-2011**

Ward **Crewe East**

SUMMARY RECOMMENDATION:

Approve with conditions

MAIN ISSUES:

- **Principle of development**
- **Whether there have been any material changes in circumstances since the previous permission was issued which would warrant a different decision.**
- **Drainage**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee because the proposal is for major development exceeding 1,000 sq m in floor area.

DESCRIPTION OF SITE AND CONTEXT

Orion Park is located on the east side of University Way, Crewe and was formerly known as Area B. The land is generally level although the north end is slightly higher than the remaining areas on the site. A number of employment units have already been constructed under previous permissions and this application relates to four units at the southern end of the development. Unit 1 and 2 would form a single building fronting University Way and Unit 2 would also face onto Orion Way. Unit 4 would face onto Orion Way, the internal service road, close to unit 16 which has been constructed. Unit 3 would be located to the rear of Unit 4 and together these units form a single building. The service area would be located centrally between Units 1 / 2 and Units 3 / 4. Car Parking would be provided between the units and Orion Way.

Orion Park is located in the settlement boundary of Crewe and the land is allocated for employment uses under allocation E.2.1 of the Replacement Local Plan 2011. To the rear and

south of Orion Park is the Historic Park and Garden of Crewe Hall which is protected under policy BE.14 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The land immediately north of this application site is the subject of application 10/4757N which is also reported on this agenda.

DETAILS OF PROPOSAL

Unit 1 is for 592 sq m of industrial (B2) floor space and 70 sq m of ancillary office space. Unit 2 is a warehouse and distribution unit (B8) with a floor area of 1,394 sq m of floor space. It is fronted by a show room. Unit 3 is an industrial unit (B2) with 509 sq m of industrial floor space and 70 sq m of ancillary office space. Unit 4 is a distribution and warehouse (B8) unit with 929 sq m of floor space and 93 sq m of office space. Access is from the estate road, Orion Way, and a total of 72 car parking spaces would be provided for the units as whole. Covered cycle parking for 12 bikes would also be provided.

In the course of negotiating the original application amended plans were submitted which introduced a glazed element consisting of an upper and lower area of glazing separated by a gull wing canopy, at the corners of units 1 and 2 on the elevation to University Way and in the centre of the elevation. The theme of darker cladding at the corners of both buildings was also introduced. The glazing and gull wing feature is also introduced at the north western corner of unit 4. Units 3 and 4 would be located 12m from unit 16 to the east which is already constructed.

RELEVANT HISTORY

10/3023N 2 New Windows at unit 16. Approved 30th September 2010.

10/3020N Temporary Permission for Operational & Site-based Staff Vehicle Parking Associated with the Occupation of Unit 16. Approved 30th September 2010.

P08/0951 Creation of first floor space and conversion of part of ground floor warehouse and use of building for B8 or B2 Unit 4. Approved 2nd October 2008.

P08/0562 Two Industrial Warehouses. Approved 29th July 2008.

P08/0561 Four industrial units. Approved 31st July 2008.

P08/0364 Additional office space and warehouse space below at unit 16. Approved 6th May 2008.

P08/0219 Additional windows at unit 14. Approved 11th April 2008.

P07/01263 Additional facilities at unit 12. Approved 22nd October 2007.

P07/0017 Outline permission for 5 office units. Approved 4th April 2007.

P06/1416 B8 Unit. Approved 9th March 2007.

P06/1260 B8 unit. Approved 12th January 2007.

P05/1463 Four B2/B8 units. Approved 7th February 2006.

P04/0489 part outline part full permission for general employment and warehousing. Approved 19th October 2004.

POLICIES

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

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Make the Best use of Existing Resources and Infrastructure

MCR4 South Cheshire

Local Plan Policy

E.2 .1 New Employment Allocations

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

TRAN.3 Pedestrians

TRAN.5 Provision for Cyclists

TRAN.9 Car Parking

National policy

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Development

PPS5: Planning for the Historic Environment

CONSULTATIONS

Highways: No response received at the time of writing this report.

Environment Agency: No objection in principle.

United Utilities: No response at the time of writing this report.

VIEWS OF THE PARISH COUNCIL:

No response received at the time of writing this report.

OTHER REPRESENTATIONS:

None received at the time of writing this report.

APPLICANT'S SUPPORTING INFORMATION:

A Design and Access Statement was submitted with the original application.

OFFICER APPRAISAL

Principle of Development

The site is within the settlement boundary for Crewe. The principle of the use of this site for general industrial use (B2) and warehousing and distribution uses (B8) has been established through the allocation in the Replacement Local Plan and the previous planning permissions issued at this site. The pattern of development is now becoming established on the ground by the completion of a number of units. This application together with application 10/4757N will complete the development of Orion Park.

Unit 2, a warehouse and distribution unit, includes a showroom area. The site, as a whole, is allocated for B1, B2 and B8 development in the Replacement Local Plan and there are no objections to a showroom related to a distribution use provided there is no retail sale from the site. A condition should be attached to any permission to ensure that retail sales do not take place.

Material Changes in Circumstances since the Previous Planning Permission

This is an application for an extension in time introduced to make it easier for developers to keep planning permissions alive during the economic downturn. Government advice states that in determining such applications, Local Authorities should only look at issues which have changed significantly since the original planning permission was previously granted. It is not therefore necessary to re-examine all the detailed issues considered in the original report on the 2008 application, only those issues which arise from a material change of circumstances.

The changes in circumstance since the permission was granted in July 2008 relating to this development are changes in National Planning Policy. PPS4 "Delivering Sustainable Development" was in draft consultation form when the original application was prepared. The PPS has now been adopted. It supports the provision of employment development in sustainable locations. The development of this site will be in accordance with the principles of PPS4.

PPS5 "Planning for the Historic Environment" has also replaced the former PPG15. That document, similarly to its predecessor, seeks to protect heritage assets. The woodland around Orion Park is part of the Historic Park and Garden at Crewe Hall. That woodland does provide a good buffer between the inner areas of the Historic Park and Garden closer to Crewe Hall, a Grade I Listed Building. However the application site fronts University Way and Orion Way and whilst the woodland immediately south of the site is allocated as Historic Park and Garden, in its built context with development taking place along both sides of University Way it is not considered that the development on the road frontage will adversely impact on the Historic Park and Garden as a whole.

Planning permission was granted under reference P08/0951 to extend the office area within unit 4 but that did not result in any external alterations to the development. More recently (2010) planning permission has been granted for the construction of a car park on the land between units 3 and 4 and unit 16 on adjacent land under reference 10/3020N. This scheme is required to provide additional parking for unit 16. Unit 16 currently has 20 parking spaces and the permission allows the use of an additional 42 spaces of which 17 must be removed on or before 1st October 2011 leaving 25 other spaces to be removed on or before 1st October 2020. The 17 spaces are required to allow time for Babcock, the applicant, to submit and obtain approval for a Travel Plan. The implementation of the car parking scheme would prevent the implementation of this planning permission for four employment units because part of the

parking area is on land which would be used for Units 3 and 4. However the temporary permission for the parking area has not yet been implemented and the existence of that permission does not present a reason to refuse this application for an extension in time. Nevertheless if the car parking scheme is implemented that will then prevent the implementation of this permission and a new application would be required if only units 1 and 2 were to be provided.

Drainage

It is noted that the Environment Agency have not requested the conditions on this application which are requested in relation to application 10/4575N. It is however recommended that these are included in any permission to ensure consistency throughout the whole of Orion Park and that drainage waters do not result in flooding lower down the Englesea Brook.

Other Matters

The design of the buildings was accepted in 2008 and there have been no changes in circumstance which would require a re-examination of the size, scale, layout and design of the development. There are no close dwellings to be adversely affected by the proposals. The land has previously been cleared of vegetation. In the formation of University Way a wildlife corridor was planted to the north of Orion Park and is now established. This forms a link between the woodland around Orion Park and the frontage planting on University Way. Wildlife tunnels constructed under the road provide further links to woodland on the west side of University Way. A former pond at the rear of Unit 16 on the eastern boundary of Orion Park has been silted up for some time and previous surveys have found it has no value for Great Crested Newts.

The Strategic Highways Manager has not commented on this application for an extension of time. However University Way was designed and constructed to carry traffic from employment land which was allocated to come forward with the construction of the highway. Parking and access conditions attached to the previous permission should be repeated on this permission.

Conditions

The original permission included 16 conditions. A condition for a Travel Plan required that this be drafted with reference to Cheshire County Council guidance and this should now refer to the Department of Transport "Essential Guide to Travel Planning". Similarly the access into the development should be constructed in accordance with Cheshire East standards rather than those of the former Cheshire County Council.

CONCLUSIONS

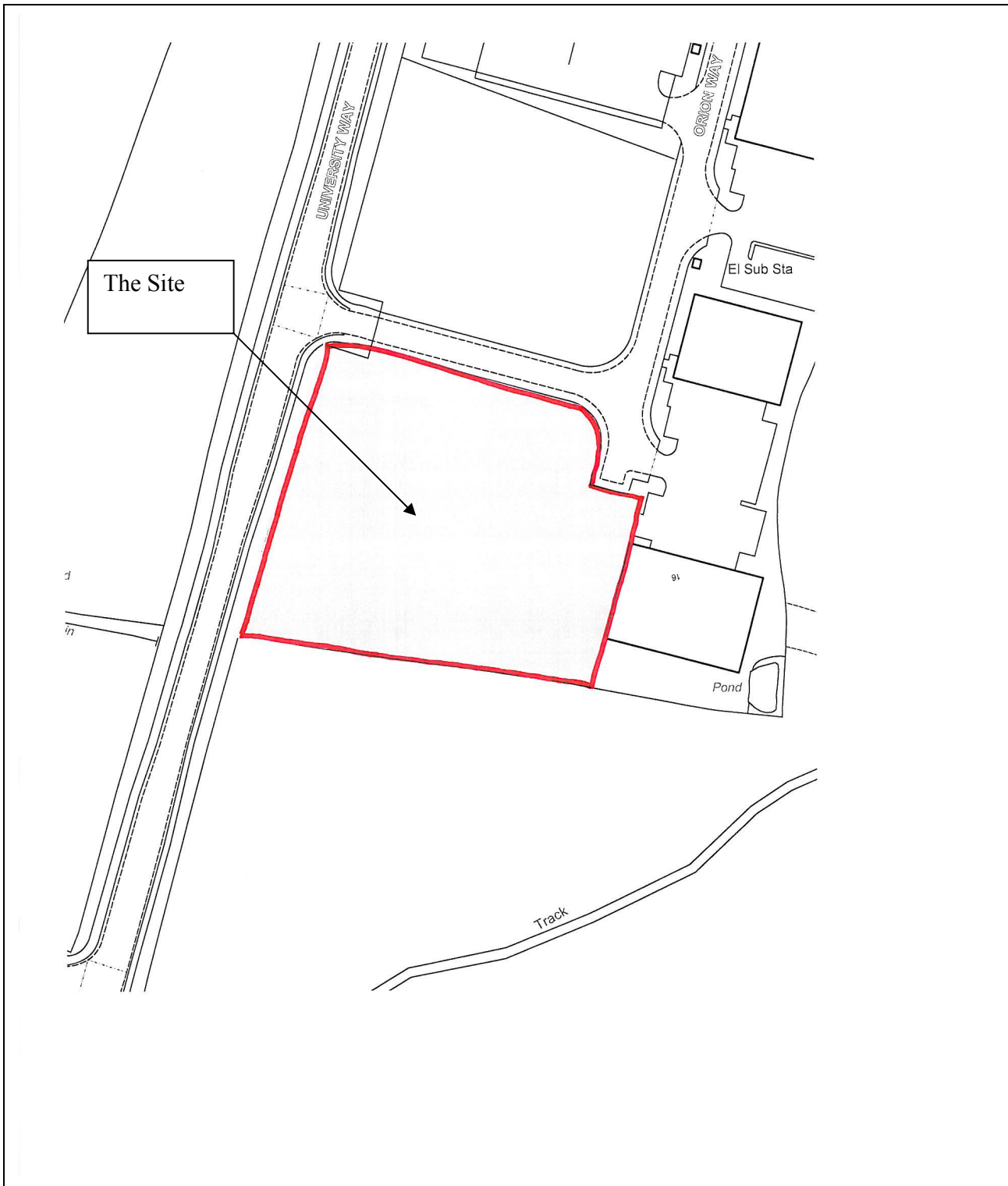
There have been no material changes in circumstances since the original permission was issued for this development which would warrant a refusal of this application. The development of warehouse and general industrial units will provide employment opportunities within the settlement boundary of Crewe, in a sustainable location. The extension of time would be in accordance with policies in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Government guidance.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

- 1. Commencement within 3 years.**
 - 2. Plans as approve under P08/0561**
 - 3. Materials as detailed in the application unless otherwise approved in writing.**
 - 4. Car Parking to be provided before the development is first used.**
 - 5. Cycle Parking and linkages to University Way to be provided**
 - 6. Travel Plan to be submitted approved and occupiers required to participate in the Green Travel Plan.**
 - 7. Landscaping scheme to be revised to take account of layout as revised in 2008 and provide planting between units3/4 and unit 16 adjacent to the site.**
 - 8. Implementation and maintenance of landscaping**
 - 9. Showers to be provided within each unit and retained for use by all staff at that unit.**
 - 10. Boundary treatment to match that used elsewhere on the development**
 - 11. Oil interceptors to be provided to car parks.**
 - 12. Lighting scheme to be submitted approved and implemented.**
 - 13. No outside storage.**
 - 14. Offices and trade counter only to be used for that specific unit and not to be occupied as a separate business.**
 - 15. Access to be in accordance with the approved plans and to CEC specification**
 - 16. Units 1 & 3 only to be used for B2 general industrial uses. Units 2 & 4 for B8 purposes. The showroom and trade counter at unit 2 limited to those areas shown on the submitted plan and not used for retail to the general public.**
 - 17. Scheme of surface water regulation to be submitted approved and implemented.**
 - 18. Scheme for the management of overland flow from surcharging of the site's surface water drainage system to be submitted approved and implemented. The scheme shall include details of finished floor levels and ground level and be implemented in accordance with the approved details.**
-

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4817N**
Location: **10, Whitchurch Road, Audlem, CW3 0EE**
Proposal: **Outline Application To Erect Single Detached One and a Half Storey Bungalow. Resubmission of 10/4300N**
Applicant: **Mr & Mrs K Whalley**
Expiry Date: **04-Feb-2011**
Ward: **Cholmondeley**

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design - Impact on the Character and Appearance of the Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety
- Other Matters – Contaminated Land

REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as it has been called in by Cllr Bailey for the following reasons:

“issues relating to highways, including access/visibility problems, the design, scale and character and/or relationship of existing buildings and proposed buildings, the effect of the proposal upon the character or amenity of adjoining land and buildings and/or the impact on the surrounding area, and/or, there are significant policy or precedent implications”

DESCRIPTION OF SITE AND CONTEXT

The application site is the residential curtilage attached to No.10 Whitchurch Road which is located within the settlement boundary for Audlem as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The application dwelling is a two storey semi-detached structure sited within an irregular shaped curtilage. The site is accessed from Oak Tree Gate and has a historical closed point of access from Whitchurch Road to the south. To the east and northwest of the application site are bungalows whilst there are also two storey dwellings within the area. The northern boundary which fronts Oak Tree Gate is largely defined by a row of coniferous trees of 3m+ in height. There is also a 1.8m high close board fence sited around the site access. The north and eastern boundaries with No.2 Oak Tree Gate are defined by a 2.5m high Leylandii hedge, whilst the boundary with No.12 Whitchurch Road is a 2.5m high mixed species hedge.

DETAILS OF PROPOSAL

This is an outline application (with all matters reserved), for the construction of a detached dwelling within the residential curtilage of No.10 Whitchurch Road. The dwelling would be L shaped in footprint with a maximum width of 14.5m and maximum depth of 13.5m. The dwelling would be 1 ½ storeys in height with a ridge height of 5.85m and an eaves height of 2.4m. The dwelling would be accessed from Oak Tree Gate via the existing access which would be widened to 4.2m and would serve both the existing and proposed dwellings.

RELEVANT HISTORY

10/4300N – An application for Outline Planning Permission for the erection of a detached two storey dwelling was withdrawn on 21st December 2010.

7/07029 – Planning permission was approved for the Erection of 4 bungalows and 8 detached houses on 18th September 1980.

7/04931 – Planning permission was approved for residential development on 12th January 1979.

POLICIES

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

Local Plan Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
RES.2 (Unallocated Housing Sites)

Supplementary Planning Documents

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS23: Development and Pollution Control

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No significant impact on the surrounding highways network as a direct result of the proposal. No highways objections subject to conditions for access detail and visibility splays to be submitted and access to be constructed in accordance with CEC specifications.

Environmental Health – Conditions relating to pile driving and construction hours recommended.

Environmental Health (Contaminated Land) – Development is for a sensitive end use and could be affected by contamination. No information has been submitted to demonstrate that there are no constraints from previous or current land uses. The application should be refused for insufficient information.

United Utilities – No objection to the proposed development

VIEWS OF THE PARISH COUNCIL

Objects to the above application on the grounds of overdevelopment. A one and a half storey building on a small plot would be detrimental to the neighbours' enjoyment of their property at 12 Whitchurch Road, due to its necessarily close proximity. Attention is also drawn to the fact that parking issues in Oak Tree Gate would be exacerbated.

OTHER REPRESENTATIONS

Three letters of objection received from No.2 and 6 Oak Tree Gate and 12 Whitchurch Road. The salient points being:

- Development built almost on boundary with dwelling being 5m from living room patio windows of No.12 resulting in overshadowing
- Significant loss of light to living room of No.12
- Any windows in the east elevation will result in overlooking to No.12 and loss of privacy
- View from living room window of No.12 will be obscured by the proposed structure
- Access is insufficient for the proposed development
- Additional traffic on Oak Tree Gate will cause highways issues
- An access opening of 4.2m will be out of character with the area
- Difficult for cars to turn in the site and exit the site in a forward gear
- Will result in parking on the road and issues with passing of service vehicles
- Large structure in the plot

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement submitted, the salient points being:

- Site is in a mature and well established residential area within Audlem Settlement Boundary
- Mixture of detached and semi detached houses of varying ages and styles.
- Sustainable location
- Mains drains and services available
- Access – road frontage to Oak Tree Gate, existing drive to be increased in width to 4.2m to serve both dwellings. Vehicles to enter and exit in a forward gear
- Amount – single one and a half storey dormer bungalow
- Scale – Similar in scale and proportion to neighbouring properties with double integral garage
- Appearance – Outline application, design considered at later date. Height to ridge to be 5.85m and height to eaves 2.4m.
- Landscape – will require removal of 4m of Leylandii hedge to road frontage to Oak Tree Gate and removal of some ornamental shrubbery. Remaining hedging to site boundaries to be retained.

OFFICER APPRAISAL

Principle of Development

As the application involves development on garden land it is important to consider the implications of the amendments made to Planning Policy Statement 3: Housing on 9th June 2010 which amended Annex B so that private residential curtilages are removed from the definition of previously developed land. An additional sentence has also been added to paragraph 41 of the PPS which states that brownfield land is the priority for development, to say that, *“there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed”*.

Notwithstanding these amendments Local Plan policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 allow for the development of sites within settlement boundaries for housing subject to the proposals satisfying a number of criteria. There is nothing in these policies to restrict these developments only to previously developed land, or to rule out development on Greenfield land where it is located within the settlement boundary.

Consequently, this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development, subject to compliance with Policy RES.2 (Unallocated Housing Sites) of the Local Plan and the Crewe and Nantwich Council SPD on Development in Backland and Gardens which is also relevant and provides more detailed advice. In order to fully accord with Policy RES.2 the development must also be in keeping with the requirements of policies BE.1 – BE.5 and the Council's Supplementary Planning Document on Extensions and Householder Development.

Design - Impact on the Character and Appearance of the Locality and Streetscene

As this application is in outline only with all matters reserved it is not possible to comment on the external appearance of the proposed development. Notwithstanding this, detail has been provided of the proposed height of the dwelling and an indicative layout has also been provided to show how the site could be developed.

The proposed dwelling would be sited between two detached bungalows which have L shaped footprints which comprise maximum widths of 16m and depths of 13m. The indicative plan shows an L shaped dwelling which would have a maximum width of 14.5m and maximum depth of 13.5m. The proposed curtilage in which the dwelling would be sited would also be of a similar size to those L shaped properties in the immediately surrounding area. It is therefore considered that the proposed layout of the development as shown in the indicative plan would be sympathetic to and respect the pattern of development in the area.

The proposed development is for a one and a half storey dormer bungalow. Within the immediate area there is a mixture of housing types. The adjacent semi-detached dwellings of 10 and 12 Whitchurch Road are two storey properties, whilst the adjacent properties along Oak Tree Gate (No.1 and 2) are detached bungalows. The proposed development would be sited between No.1 and No.2 Oak Tree Gate. The indicative site plan shows the taller dormer element of the dwelling to be set back from Oak Tree Gate and facing towards Whitchurch Road. At its closest point the taller element of the bungalow would be 11m from the edge of the highway of Oak Tree Gate, whilst the single storey projection would have a lower ridgeline to the remainder of the bungalow and would be 4m from the edge of the highway at its closest point. It is considered that this element could be conditioned to be single storey only so that it would not appear prominent on the

streetscene between the existing single storey bungalows. Notwithstanding this there is a substantial established coniferous screen between the application site and Oak Tree Gate which would be largely retained. With this in mind and with the suggested condition attached for the projection towards Oak Tree Gate to be single storey, it is considered that the scale of the proposed development would be sympathetic with the form of development in the area and there would be no detrimental impact on the character and appearance of the streetscene when viewed from Oak Tree Gate. When viewed from Whitchurch Road the dwelling would be visible between a bungalow and a two storey construction. The one and half storey dormer bungalow between these existing built features would result in a height which is higher than the bungalow but lower than the two storey building providing a hierarchy of built development. It is therefore considered that the proposed development, when viewed from Whitchurch Road, would respect the form of development whilst being of a height and scale which would not be prominent to adversely affect the streetscene. It is considered that a condition would be attached to any approval restricting the maximum ridge height of the dormer bungalow to 5.85m.

Further to the conditions highlighted above it is also considered that conditions should be attached requiring finishing and surfacing materials to be submitted and approved to the LPA, along with details of landscaping and boundary treatment. This will ensure that the proposed development is of satisfactory appearance and appropriately landscaped.

The proposed development would therefore be in compliance with Policy BE.2 (Design Standards) of the Local Plan and guidance contained within the Development on Backland and Gardens SPD.

Impact on the Amenity of adjacent properties

At its closest the proposed dwelling would be sited 2m from the boundary with No.12 Whitchurch Road. At this point the dwelling would be 2.4m in height at eaves level. At ridge height (5.85m) the proposed dwelling would be 4m from the boundary with No.12 at its closest. Within the north-western elevation of No.12 Whitchurch Road is a single opening at ground floor level. This opening is understood to be to the living room. The proposed dwelling at its closest point would be 11.5m from this window. However, the proposed structure at this point would be at its lowest (2.4m) and would be seen at a slight angle from that window rather than being directly opposite it. The boundary between the application dwelling at that property is a well established mixed species hedge which is approximately 2.5m in height. It is therefore considered that the proposed development would have little detrimental impact on the amenities of the neighbouring property through loss of daylight or overbearing.

The proposed dwelling would be sited between 12m and 14m from the nearest elevation of No.10 Whitchurch Road which faces the flank elevation of the dwelling. There are windows within this elevation which are likely to serve habitable rooms. This would be a slight breach of spacing standards between principal windows of one property and blank flank elevations of another which are recommended to be 13.5m in such circumstances. Notwithstanding this, the dwelling would be largely screened from these windows by an existing and well established mixed species boundary hedge. The presence of natural screening between developments is highlighted as a consideration in the SPD for Backland Development. It is therefore considered, given the context of the site, that there would be little loss of privacy or overbearing resulting from this one and a half storey bungalow. Furthermore, the proposed dwelling would be sited to the north of No.10 and 12 Whitchurch Road and therefore any impact through loss of daylight would be minimal.

The proposed dwelling would be sited directly to the rear of No. 2 Oak Tree Gate at a distance of 13.5m which satisfies spacing standards providing that there are no openings in the flank elevation of the proposed dwelling. Therefore, to ensure that there is no loss of privacy or overlooking on neighbouring properties it is considered that a condition preventing windows to habitable rooms within the flank elevations of the proposed dwelling (which face towards No's 10 & 12 Whitchurch Road, and No.2 Oak Tree Gate). The dormer windows may result in slight overlooking into the private amenity space of neighbouring properties. However, this is dependent on the precise siting of the openings and the proposed room to which they serve. This issue could be designed out at Reserved Matters stage.

The SPD for Backland and Garden Development suggests that new dwellings should have private amenity space of at least 50sqm. The proposed dwelling would have private amenity space which is well in excess of this suggested minimum whilst the remaining amenity space for No.10 would also be satisfactory.

Conditions relating to obscure glazing for bathrooms are also suggested along with construction hours and pile driving to ensure that the amenities of neighbouring properties are further protected.

Impact on Highway Safety

Access is a reserved matter. However, an indicative plan has been submitted to show the site being accessed from Oak Tree Gate. This would be a shared access for both the proposed dwelling and existing dwelling, No.10 Whitchurch Road. The indicative plan and supporting information propose that the existing access be widened to 4.2m. The Strategic Highways Manager has stated that the indicative access arrangements would be acceptable subject to conditions relating to details of access construction and visibility splays being provided and approved. It is considered that any approval should be conditioned as suggested along with a condition tying the access arrangements to be as shown on the indicative plan so that the site is not accessed from Whitchurch Road.

Concern has been raised that the proposed development would lead to greater pressure for on street parking. The application dwelling would have a double garage (as highlighted in the Design and Access Statement) and sufficient parking to the front of the dwelling for at least three further vehicles. The remaining hardstanding for No.10 Whitchurch Road would allow the off street parking of at least three vehicles. The proposed development would exceed parking standards for dwellings and it is therefore highly unlikely that the proposed development would result in any pressure for on street parking along Oak Tree Gate.

Other Matters – Contaminated Land

Environmental Health have objected to the proposed development on the grounds that no Contaminated Land Survey has been submitted. As the proposed development is for a sensitive end use contaminated land implications need to be considered in line with Planning Policy Statement 23. However in this instance it is considered that it would be unreasonable to refuse the application on the grounds of lack of information given the existing nature of the site which is residential curtilage and surrounded by residential development and also when a condition could be attached to any approval requiring, in the first instance, a Phase 1 contaminated land assessment to be carried out to determine whether there would be any implications. A condition would also require, in the event of contamination being found, mitigation measures to be proposed and implemented.

CONCLUSIONS

The proposed development is of an acceptable design which would not result in significant harm to the character and appearance of the streetscene. Furthermore, it is considered that there would be no significantly detrimental harm to the amenities of neighbouring properties, highway safety or any other matter. The proposed development, as conditioned, is therefore considered to be in compliance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Accessing and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the Local Development Framework Development on Backland and Gardens Supplementary Planning Document (2008).

RECOMMENDATIONS

APPROVE with conditions

- 1. Commencement of Development**
- 2. Submission of Reserved Matters**
- 3. Time Limit for Submission of Reserved Matters**
- 4. Materials to be submitted and agreed**
- 5. Surfacing Materials to be submitted and agreed**
- 6. Landscaping scheme to be submitted and agreed**
- 7. Landscape Implementation**
- 8. Drainage Scheme to be submitted**
- 9. Details of Boundary Treatment**
- 10. Obscure Glazing**
- 11. Bin Storage to be provided**
- 12. Phase 1 Contaminated Land Survey to be submitted**
- 13. Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH**
- 14. Removal of all PD**
- 15. No windows at first floor level within flank elevations and no windows to habitable rooms whatsoever in flank elevations**
- 16. Ridge height to be no greater than 5.85m**
- 17. Indicative layout**
- 18. Access to be via Oak Tree Gate, detailed drawings to be submitted and access to be constructed to CEC standard**
- 19. Eastern projection towards Oak Tree Gate to be single storey**
- 20. Pile Driving**



Application No: 10/4842N

Location: 235, Broad Street, Crewe, CW1 4JJ

Proposal: Proposed Change of A1 Use Video Shop to A5 Fish and Chip Shop and First Floor Residential Accommodation

Applicant: Mr C Shephard

Expiry Date: 11-Feb-2011

Ward: Crewe East

Date Report Prepared: 18th January 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Principle of Development
- Highways
- Design Considerations
- Residential Amenity

REASON FOR REFERRAL

The application has been called in to Southern Planning Committee by Cllr Martin and Cllr Thorley for the following reasons:

"Noise

Pollution

Traffic & Parking Issues

The facility is already provided in this area re: two chip shops – one in Broad Street and one in Greenway".

DESCRIPTION OF SITE AND CONTEXT

The application relates to number 235 Broad Street, Crewe which is a commercial premises at both ground floor and first floor level. The property is an end terrace with surrounding land uses being predominantly residential with the presence of some local amenities. To the side of the property is an unadopted area which has been utilised as a parking area by the existing shop.

DETAILS OF PROPOSAL

The application proposes a change of use from A1 to A5 at ground floor level, with residential accommodation at first floor level. Alterations are proposed to the building in the form of the

addition of a new door and ground floor window to the side elevation. To the front of the property a small forecourt is proposed to form a ramped access.

RELEVANT HISTORY

7/17902 (Approved with Conditions 31/1/1990) Construction of new shop front and extension to rear with new access fire escape staircase and replacement windows.

POLICIES

Regional Spatial Strategy (NW)

Policy DP7 (Promote Environmental Quality)

Policy DP4 (Make the Best Use of Existing Resources and Infrastructure)

Borough of Crewe and Nantwich Replacement Local Plan Policy

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

RES12 (Living Over the Shop)

Other Material Considerations

PPS1 Delivering Sustainable Development

CONSIDERATIONS (External to Planning)

Highways:

No Objection.

Environmental Health:

No objection subject to conditions relating to: (i) hours of opening (and associated deliveries) (ii) acoustic attenuation and (iii) installation and maintenance of extraction equipment.

OTHER REPRESENTATIONS

At the time of report preparation 17 local resident objections have been received. In summary the objections raised relate to the following:

- The proposal would create further parking problems.
- Highway Safety due to existing parking problems, bus stop outside the property, increased traffic and proximity to the roundabout.
- Noise pollution late at night – car doors slamming, people shouting
- Smell – existing smells from chippy along Greenway makes it difficult to enjoy sitting in the garden, the current proposal would make it impossible.
- The fish and chip shop would eventually become a kebab shop.

- Litter.
- Increased anti-social behaviour and vandalism
- Security issues associated with rear alleyway and request for a security gate.
- Additional strain on existing drainage system.
- Reduced desirability of adjacent properties and decrease in property prices
- Boundary dispute between property number 4 Greenway and the application property.
- Overlooking of number 4 Greenway due to first floor residential conversion.
- Council's publicity procedure – no site notice displayed
- No neighbour notification to 7 Greenway and 229 Broad Street

OFFICER APPRAISAL

Principle of Development

The principle issues surrounding the determination of this application is the impact of the development on neighbouring residential amenity, on highway safety and on the streetscene, having regard to Local Plan policies BE1 (Amenity), BE2 (Design), BE3 (Access and Parking) and RES12 (Living Over the Shop).

Highways

Highway safety, traffic and parking have been raised by local residents as reasons to oppose the current application which seeks a change of use from A1 / video shop to A5 / fish and chip shop at ground level and residential at first floor level. Having considered the above issues the Strategic Highways Manager has raised no objection to the application and does not consider that there would be a significant impact on the surrounding highways network as a direct result of this development. The Strategic Highways Manager does however consider the application site to be a sustainable location with available off-street parking, where the proposed use would not worsen the existing situation. In the absence of an objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained. The application therefore accords with Local Plan policy BE3 (Access and Parking).

Design

The application proposes alterations to the building which include the addition of 1 No. window and door to the side elevation of the property, and the creation of a small walled forecourt area to the front elevation to provide a ramped access. The application also proposes a flue to the side of the property which would extend 1 metre above the eaves. The application includes fascia details, however these will require advertisement consent and therefore would need to be dealt with under a separate application.

The changes to the front elevation of the building to form a small forecourt and ramped access area are considered to be acceptable having regard to the enclosed garden frontages which adjoin the application property, and are typical along this side of the road. To the side elevation, the application proposes a window at ground floor level which would serve the staff serving area, and a door which would provide access to the first floor residential accommodation. These additions would respect the proportions and appearance of the existing detailing and are therefore acceptable in design terms. The proposed flue would project from the side elevation and would extend 1 metre above eaves height. Given its siting to the side of the building this

would be visible from Broad Street, however it is not considered that the flue is a feature which would appear overly incongruous or would have a detrimental impact on the character and appearance of the area. The proposed alterations to the external elevations would have an acceptable impact on the host building and the wider streetscene and would therefore accord with Local Plan policy BE2 (Design).

Amenity

The application proposes a change of use of the ground floor accommodation from A1 / video shop to A5 / fish and chip shop. A number of objections have been received from local residents which relate to the amenity impact of the proposal on neighbouring properties by reason of noise, smells, anti-social behaviour, vandalism, litter, and the proliferation of takeaways in the locality.

Turning first to the impact of noise and smells from the proposed fish and chip shop, Environmental Health have raised no objection to the proposed use subject to the requirement of conditions relating to hours of opening, acoustic attenuation and the installation and maintenance of extraction equipment. Subject to the imposition of these conditions it is considered that any nuisance associated with smells and noise as a direct result of the development can be controlled to an acceptable level.

In terms of noise from customers visiting the premises and the potential for anti-social behaviour, the fall-back position is that the site currently has permission to operate an A1 use such as an off-license or newsagents which could generate a high level of custom. The hours of opening (and associated deliveries) of the fish and chip shop would be restricted to 11.30am to 10pm Monday to Saturday which would be no later than the former closing time of the video shop and would be conditioned as part of any permission. As a result the takeaway outlet is unlikely to generate footfall from local drinking establishments after closing time, and it is not regarded that the proposal would encourage anti-social behaviour or vandalism over and above the permitted use of the site. The perception of increased anti-social behaviour and vandalism as a direct result of the proposed use is not considered to be a reason to warrant refusal of the application.

Litter is a concern for local residents however this is beyond the control of planning and is covered by separate legislation. The proposal does however make provision for a bin to the front of the premises.

The application proposes residential accommodation at first floor level and as such the impact of this on neighbouring residential amenity is also a key consideration. An objection has been received in relation to the impact of the development resulting in overlooking to property number 4 Greenway. At first floor level the rear window would serve a principal room, however property number 4 Greenway is located over 50 metres in distance, with a 2 storey building situated in-between, and as such it is not considered that the development would give rise to any overlooking issues. Property number 326 Broad Street is situated opposite the application site at a distance of around 24 metres which is an acceptable separation distance between principal windows. The adjacent property number 237 Broad Street has windows to the side elevation which would appear to serve habitable rooms and would be approximately 10 metres from the development which also proposes a principal window which would be directly opposite. This is an existing window which would serve the bedroom, however this would not

be the main window to this room. Within the locality examples can be found of reduced separation distances, however it is considered that a condition requiring the window to be fixed shut and have obscure glazing would make the proposal acceptable in terms of overlooking and privacy issues associated with the adjacent property number 237 Broad Street. It is therefore considered that the proposal to convert the first floor to residential accommodation would have an acceptable impact on the amenity afforded to neighbouring properties.

Having regard to the above and the absence of any objection from Environmental Health it is not considered that the proposal would be detrimental to the residential amenity of neighbouring properties, subject to the use of conditions for hours of opening (and associated deliveries), acoustic attenuation, the installation and maintenance of extraction equipment and obscure / fixed shut glazing to the first floor side window. The application is in accordance with Local Plan policy BE1 (Amenity).

Other Matters

Publicity Procedure and Neighbour Notification

The Council's neighbour notification procedure is to notify those neighbours who share a boundary with the site (ignoring any road).

Property number 229 Broad Street does not fall within the procedure and was therefore not notified. Property number 7 Greenway does share a boundary with the application site but did not receive a letter of notification. Nonetheless the occupiers became aware of the application and were given additional time to comment on the application. Comments have been received. A site notice was not required for this application.

Other takeaways in the area

It is noted that there is a presence of takeaways in the area, in particular the Chinese takeaway along Broad Street and the fish and chip shop along Greenway. These however are not directly adjacent to the application site and it is not considered that the proposal would lead to a proliferation of takeaways along Broad Street to the detriment of the area. The presence of other takeaway establishments within the locality is not a reason in itself to warrant refusal of the application.

Property Values

Property values are not a material planning consideration to this application.

Security Gate

The comments received requesting a security gate to the rear alleyway which serves properties 235 to 223 are noted, however it is not considered that the provision of such within this planning application would be reasonable. It is regarded that this would be a civil matter between the affected owners.

Boundary Dispute

The boundary dispute between the applicant and the owners of number 4 Greenway is a civil matter which would need to be dealt with under separate legislation.

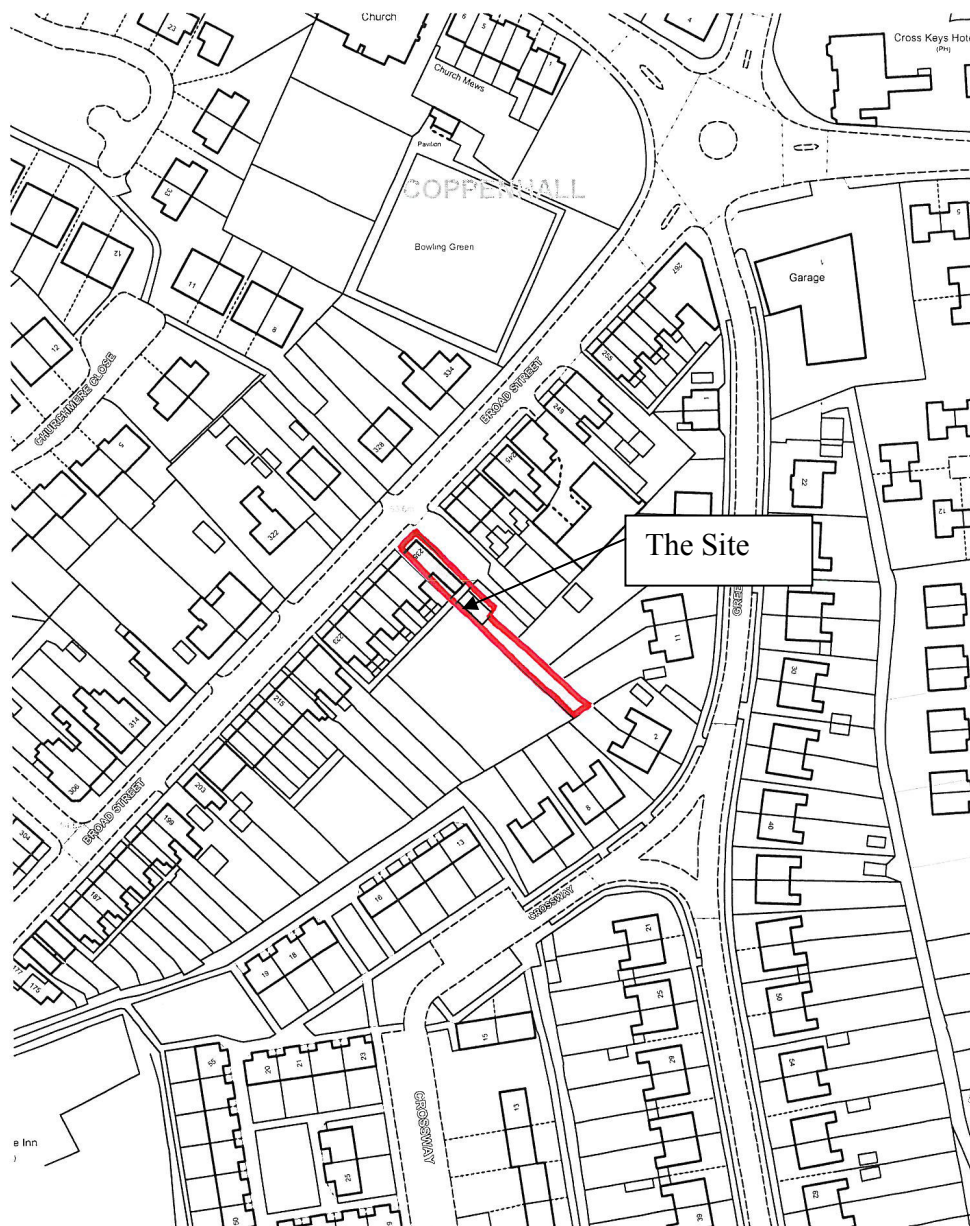
CONCLUSIONS

The application proposes an acceptable form of development in terms of highway safety, impact on neighbouring residential amenity and impact on the character and appearance of the area. The proposal complies with Local Plan policies BE1 (Amenity), BE2 (Design), BE3 (Access and Parking) and RES12 (Living over the Shop).

RECOMMENDATION: Approve subject to the following conditions:

1. Standard Time
2. Plans
3. Window to be fixed shut / obscure glazing
4. Hours of opening
5. Scheme for acoustic attenuation
6. Installation and maintenance of extraction equipment.

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4897N**

Location: **Henhull Bridge Farm, Millstone Lane, Hurleston, Nantwich, CW5 6AG**

Proposal: **Erection of New Dwelling (Unit 3)**

Applicant: **Mr G A Newsome**

Expiry Date: **14-Feb-2011**

Ward **Cholmondeley**

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principle of Development
- Material Considerations
- Design
- Amenity
- Other Factors

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Hollins has requested it be referred to Committee for the following reason - *This is not a new dwelling, planning permission was granted in 2007 for these barn conversions. Unit 3 building of the original permission was of a different construction to the rest of the barns and in order to make a safe conversion a reconstruction on the original footprint had to be carried out.*

DESCRIPTION OF SITE AND CONTEXT

The application site is located within the parish of Henhull to the north west of Nantwich. The application site is located in an isolated but prominent position and is bounded by native hedgerow, post and rail fence and walls. To the south of the site is the A51 (Chester Road) and to the east is the Shropshire Union Canal. The site comprises of a 2 storey detached farmhouse constructed out of facing brick under a slate roof. Located adjacent to the farm house are a two storey barn and a partially constructed barn (which is the subject of this application). The application site is located wholly within the open countryside.

DETAILS OF PROPOSAL

This is a full application for the erection of a new dwelling (Unit 3) at Henhull Bridge Farm, Millstone Lane, Hurleston, Nantwich. The proposal is to reconstruct the building, which has been completely demolished and at the time of the site visit was partially reconstructed. The

partially rebuilt building has been constructed on the same footprint. However, the proposed building will incorporate accommodation over two levels and will increase the eaves/ridge height and decrease the floor level and will incorporate numerous alterations to the external fenestration.

RELEVANT HISTORY

P01/0031 – Conversion of Barn to form Two Residential Units – Refused – 3rd April 2001

P06/1230 – Conversion of Outbuilding to Three Dwellings with Associated Landscaping, Car Parking and New Access and Demolition of Two Agricultural Buildings – Withdrawn – 19th December 2006

P07/0321 – Conversion of Outbuildings to Three Dwellings with Associated Landscaping, Car Parking and New Access and Demolition of Two Agricultural Buildings – Approved with Conditions – 2nd May 2007

POLICIES

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

RES.5 (Residential Development in the Open Countryside)

RES.10 (Replacement Dwelling in the Open Countryside)

NE.2 (Open Countryside)

NE.16(Residential Re-use of Rural Buildings)

National Policy

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

CONSIDERATIONS (External to Planning)

Environmental Health (Land Contamination): No objections subject to a contaminated land condition.

Environmental Health: No objections subject to conditions in respect of hours of construction and piling.

United Utilities: No objection

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

VIEWS OF THE PARISH / TOWN COUNCIL

No representations received at the time of writing this report

OTHER REPRESENTATIONS

No representations received at the time of writing this report

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

- The site is located within the parish of Henhull to the north west of Nantwich;
- The site has a gross site area of 1.03 Ha (2.54 acres);
- An extensive hedge that protects the site from the A51 road forms the southern boundary of the site;
- Established fences, hedges, walls and the existing agricultural buildings define the other site boundaries;
- The site has previously been used as a farm, but although some of the sheds have until recently been used for storing livestock, the property is now a private residence. The remaining barns and agricultural buildings are now either vacant or used for the storage of machinery;
- The dominant building on the site is the original farmhouse, which has been carefully renovated in recent years to create a substantial family dwelling;
- The original brick barns for the farm are located adjacent to the farmhouse and are set out in an L-shaped form (Units 1 and 2) with a further detached barn to the east of the main group (Unit 3);
- The site was the subject of a planning application for the conversion of outbuildings to three dwellings with associated landscaping, car parking and new access, demolition of two agricultural buildings and the erection of a garage and stable block to serve the existing dwelling under planning reference P07/0321. This application was approved by the former Crewe and Nantwich Borough Council 2nd May 2007;
- Works on the final barn conversion (Unit 3) are now underway and it is this element of the project which is the subject of this application;
- The conversion of Unit 3, which due to its original construction make up as a more recent steel framed building, has presented different challenges to our client than the traditional construction encountered with Units 1 and 2;
- Although the general conclusion of the structural investigations demonstrated that the development as a whole was suitable for conversion, the conversion of Unit 3 was to be more complex;
- The project has been the subject of a Building Regulations Application and been inspected regularly by the Council's Building Control staff;
- As work progressed on Unit 3, it has become more apparent that in order to ensure a safe construction method and achieve the level of insulation and stability for the building, it has been necessary to rebuild the structure;
- It is accepted this reconstruction of a relatively small element of the overall project is technically at odds with the requirements of policies NE.2 and NE.16, this has ensured that the quality of the build will be of a high standard as is the case of the other completed buildings within the development;

- The converted barns will create family 3 bedroom accommodation. Units 1 and 2 will be arranged on 2 no. floors, whereas Unit 3 will now have ground floor accommodation and bedrooms within a loft space area, creating a 4 bedroom property;
- The reconstructed Unit 3 will have a finished floor level of 50.30m which is 0.29m below the approved finished floor level of 50.59m. The proposed ridge height of Unit 3 will be 56.49m in comparison to the approved ridge height of 55.75m. Although it is accepted that the revised ridge height is different to the approved height, it is our view that the 0.74m will have no detrimental impact on the open countryside;
- The proposed fenestration of Unit 3 is similar to that of the original building and in addition at first floor level, conservation style rooflights have been introduced so as to ensure that the traditional barn style is retained.

OFFICER APPRAISAL

Principle of development

The main issue in the consideration of this case is the acceptability, in principle, of the proposed development. The applicant concludes in the Design and Access Statement that the proposal is compliant with the requirements of policy NE.16 of the Local Plan which deals with conversions of rural buildings to residential use.

However, due to the extent of the rebuilding, the development is no longer a conversion scheme, and effectively now is tantamount to the erection of one new dwelling within the Open Countryside. Consequently, it is not considered that policy NE.16 should be applied and the proposal must be determined as a new dwelling in the Open Countryside rather than for a conversion.

Notwithstanding this point, policy NE.16 states that conversions will only be permitted where the building is of permanent, substantial and sound construction and, if it is in the open countryside, is proposed for re-use without major or complete reconstruction. Therefore, even if it were considered that NE.16 was applicable, given the extent of the reconstruction required, the proposal would fail to comply with the requirements of this policy (see Section Below).

In considering the application against Policy RES.10 of the Local Plan this states that a new dwelling will only be permitted (amongst other criteria) if the existing dwelling has been occupied within the last four years and is substantially intact and the replacement dwelling is not materially larger than the dwelling it replaces. It is considered that the proposal fails to comply with the above policy as the building has never been occupied and has been completely demolished and is now partially rebuilt. Furthermore, according to the submitted plans the proposed building will be materially larger than the one which it replaces as the floor level will be reduced and the eaves/ridge increased.

Policy RES.5 and NE.2 of the local plan states that in the open countryside new dwellings will be restricted to those that involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage or are required for a person engaged full time in agriculture or forestry.

The application site is located on the northern side of the A51 and the building is well set back from the A51 by approximately 38m. The application site is accessed via a private access road. The application site is in a prominent but isolated location and the nearest residential property is located approximately 115m away to the east. Finally, the unit in question is located on the end of the existing former farm complex and the loss of this unit would not leave a gap in the existing built form, which may otherwise be to the detriment of the existing buildings. Therefore, as the proposed dwelling is not intended for an agricultural worker nor is located in a built up frontage the development is, therefore, contrary to policy and represents a departure from the Development Plan.

Consequently, 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 application turns, therefore, on whether there are any other material considerations of sufficient magnitude to outweigh the Development Plan presumption against the development.

Material Considerations

The grant of planning permission in May 2007 for the conversion of the outbuildings to form three residential units was subject to a number of conditions. According to the decision notice condition no. 20 explicitly stated:

'This permission shall be for the conversion of the existing buildings and shall not imply approval or otherwise for the demolition and rebuilding of areas of brickwork unless specifically identified in the submitted application. Any areas of demolition and rebuild which appear necessary as work proceeds, shall first be notified in writing to the Local Planning Authority and written approval obtained before demolition commences'.

The Structural Engineer's report relating to P07/0321 (produced by John Naughton Associates dated 25th January 2007) has the following conclusions and recommendations in relation to Unit 3:

- *The building has an asbestos cement roof with support to the purlins provided by steel trusses. We envisage the roof will be replaced with a new slate roof supported either upon a rafter and purlin construction or close centred timber trusses spanning from side to side.*
- *The side walls are in 110mm brickwork with steel columns at truss positions. It will be necessary to construct an inner leaf and we envisage a blockwork inner leaf would be built to support the roof structure and also to provide a cavity, insulation and lateral restraint etc. The foundation for the inner leaf should underpin the external brickwork; and*
- *The building has suffered from movement and it will be necessary to rebuild the rear wall and gable section of the front wall. Consideration should also be given to rebuilding the rearmost two panels of brick work on the left hand side elevation.*

It is the applicant's case that as work progressed on Unit 3, 'it became more apparent that in order to ensure a safe construction method and achieve the level of insulation and stability for the building, it has been necessary to rebuild the structure'. The applicant contends that the

conversion of this unit was more complex than for Units 1 and 2 and has been done in order to comply with Building Regulations. However, this stance seems to contradict the final conclusions in the John Naughton Structural Engineers Report which states:

'The barns will need considerable upgrading in respect to insulation, ventilation etc. in order to comply with Building Regulations requirement, however, we could see no reason to consider the buildings cannot be retained and converted to dwelling use'.

Nevertheless, as previously stated condition no. 20 which was attached to P07/0321 was clear and unambiguous. Unit 3 was to be constructed in accordance with the Structural Report and if any additional areas of demolition and rebuilding were necessary details should have been submitted in writing and approved by the Local Planning Authority. However, the applicant demolished the whole of the building and at no point submitted any additional information relating to the structural viability of the building. Therefore, it is clear that the total demolition of Unit 3 and its subsequent rebuild is contrary to Policy NE.16 as the proposal involves major and complete reconstruction.

Design

Development Control guidance advocated within PPS 1 places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. Furthermore, if an agricultural building is considered to be a viable structure upon which to base a conversion, the acceptability of the actual details of how that conversion would be achieved remains a further hurdle for applicants. The basic test is to ask whether the details of conversion would so erode the characteristics of the existing building so as to permit what would be tantamount to a new dwelling in open countryside. This test has the support of ministerial policy.

Where a barn is in reasonable condition the normal grounds for objection to the details of a barn conversion include

- a) The building would have to be extended to such an extent that the intrinsic character of the existing building would be lost, or a structure of excessive size created.*
- b) Multiple subdivision of the interior of the barn would harm the character of internal features, especially roof structures. This objection is accentuated if a barn is listed.*
- c) The external appearance of the existing building would be so altered by the insertion of additional openings, dormer windows or lights in the roof, the replacement of materials, or the removal/insertion of other design features, that the result has little resemblance to a former agricultural building, at best appearing to be a house which used to be a barn, at worst a suburban dwelling.*
- d) The external manifestations of the use such as a proliferation of boundary fences, garden equipment, parking areas etc. would be harmful to rural character.*

The building will be constructed on the same footprint as the demolished unit and the width and depth of the building will remain the same. However, according to the submitted plans, the reconstructed Unit 3 will involve increasing the eaves height of the proposed building by approximately 250mm and the ridge height will increase by a further 700mm. Furthermore, the building will have a finished level of 50.30m which is 0.29m below the approved finished floor level of 50.59m. The applicant contends that these alterations will have no detrimental

impact on the open countryside. In addition to the above, the applicant is proposing to alter a number of the approved apertures, for example, increasing the size of windows and converting some windows into doors. According to the approved plans there were no roof lights. However, this proposal seeks planning permission for 16 no. roof lights (8 no. rooflights in each roof plane), which the applicant states will be conservation style.

According to the approved plans all the accommodation for Unit 3 was to be all on one level and included 3 no. bedrooms two with en-suite facilities, a utility room, a hall, a kitchen and dining room, a bathroom and a lounge. The current proposal provides accommodation over two levels (hence the increase in eaves/ridge height and decrease in floor level) and will incorporate a study, a lounge, a dining/sitting room, a hall, a w.c., a store room, a kitchen and a utility room at ground floor level. The first floor accommodation will comprise of 4 no. bedrooms two with en-suite bathrooms (and will also include a dressing area) and a bathroom.

It is considered that the significant increase in eaves/ridge height of the proposal coupled with the large number of roof lights will appear very stark and will be visible from a number of short and long distance views and will appear as an incongruous and alien feature within the landscape, and as such will have a significant detrimental impact on the character and appearance of the open countryside.

Amenity

There is only a distance of approximately 5m separating the two units (Unit 2 and Unit 3). According to the submitted plans elevation 8 of Unit 2 faces elevation 4 of Unit 3. However, the agent acknowledges that there is a very small separation distance between the two units. A number of the windows on these two elevations are for non habitable rooms or secondary windows. The remaining windows due to their juxtaposition do not directly overlook each other. Furthermore, many barn conversions have similar problems and residents living in the converted barns have to be aware that they may not have same level of privacy as a resident in another type of housing would expect to receive. It is considered that the proposal broadly complies with policy BE.1 (Amenity).

Other Material Considerations

In considering the weight to be attached to the matters of exceptional circumstances and harm, regard should be given to previous appeal cases where Inspectors have considered similar issues.

Of relevance to this case is an appeal decision, dated 26 July 2004, which relates to a development in the Stockport Green Belt whereby planning permission had been granted for the conversion of an existing barn to a dwelling. When works began on the building they did not comply in all respects with the planning approval, and at the request of the Council work ceased on the property. The roof had been removed from the building and much of the rear wall. The Council was of the opinion therefore that the planning permission could not be implemented and what the appellants were proposing was tantamount to a new dwelling in the Green Belt. The Inspector opined that the appellant was seeking to provide a dwelling practically identical to that previously permitted and that the only material difference was that more reconstruction work would be required. The end result would still be a modest three

bedroom cottage, built in stone and with a stone flagged roof and retaining some characteristic features of the original barn.

The appeal turned on whether the new scheme would constitute inappropriate development in the Green Belt and if so whether there were any very special circumstances which warranted an exception to the severely restrictive Green Belt Policies.

The Inspector acknowledged that the proposal as it stood did not accord with the requirements of PPG2 i.e. it would not be properly associated with agriculture or forestry nor would it be essential for outdoor sport, recreation or a cemetery or any other predominantly open use, nor could the development be classed as infilling as it did not lie within an existing village boundary or within an area where there was a ribbon form of development. Therefore, he opined that the scheme would constitute inappropriate development within the Green Belt. However he then turned to consider whether or not there were very special circumstances which would override the strong policy objections.

He considered the relevance of the extant planning permission and whether, if permitted to continue, the ultimate development would be significantly different to that approved. He concluded that it would not because materials were to be re-used, it would be built in stone and have a stone flagged roof and retain some of the characteristic features of the original barn. The Inspector concluded that all of those matters constituted sufficiently special circumstances to warrant an exception to the severely restrictive Green Belt Policies.

A further appeal decision, whereby similarities may be drawn with this proposal relates to a site which lies in the North Cheshire Green Belt within the administrative area of the former Macclesfield Borough Council.

Planning permission had been refused for the conversion of the barn to residential accommodation in 1992. However, in 1993 planning permission was granted for the conversion. A subsequent application was approved to make alterations and additions to the barn.

When work commenced on the development, parts of the east wall collapsed. The applicant was advised by her agent that the end gable walls would have to be removed and rebuilt on the existing foundations. The Local Planning Authority was of the opinion that these works would require a further planning approval. An application was subsequently withdrawn and work restarted on the building. Consequently an enforcement notice was issued together with a stop notice in 1994. The withdrawn application was re-submitted and an appeal was lodged against the enforcement notice. At appeal the enforcement notice was upheld and the Section 78 appeal was dismissed.

An amended application was submitted, this too was refused and dismissed at appeal. A further application was submitted and refused, a subsequent appeal was withdrawn.

In 2000 the Local Planning Authority resolved to use its powers to enter the site and undertake works of demolition in default. The applicant brought proceedings of judicial review against this decision claiming that demolition would be unlawful under the Human Rights Act 1998 and was an unjustified deprivation of property contrary to Article 1 of the First Protocol to the convention. Permission was initially refused by the High Court but subsequently granted by the Court of

Appeal. Whilst the judicial review was pending a further application for the retention of the buildings was submitted. Although the Council considered the proposal to be inappropriate development in the Green Belt it resolved to approve the application, subject to it being referred to the Secretary of State as a possible call-in, on the basis of very special circumstances, these were identified as being:

- i) That planning permission had originally been granted for the conversion and change of use of a barn for residential use. There was therefore no objection to the use of the site for a dwelling.
- i) There had been some technical breaches of policy and guidance in respect of the criteria for the re-use of the buildings in the countryside as set out in the development plan and Government advice. The structural report accompanying the application had not been as comprehensive as would now be expected and to which appropriate planning conditions might have been attached. The likelihood of a similar situation arising had therefore been significantly reduced.
- ii) The principle of development on this site carried the support of the Parish Council and the local community.
- iii) The building is a possession as defined by the Human Rights Act 1998. The applicant is entitled to the peaceful enjoyment of that possession. If planning permission were further refused then having regard to the history of this site including potential demolition of the building, there is a risk that the applicant's Human Rights would be breached.

In deciding this application the Secretary of State upheld the very special circumstances. Members should note, however, that the development had already been carried out and the property was occupied; therefore in carrying out works to demolish the property the Local Planning Authority would have been depriving the occupiers of their home. This is not the same situation as that now under consideration. The Secretary of State also made the distinction between the monetary loss, which he did not consider sufficient to justify granting planning permission, and the loss of a home, which he did.

Another Appeal Decision from the Macclesfield area, which was also located in the Green Belt where the Inspector determined that the resulting building would not be materially different in size, position or appearance from the conversion. The building was found to form part of a traditional group of buildings with the adjacent farmhouse at a nearby road junction and there would be material harm if the integrity of the farmstead was lost. In addition, the landscaping proposed would also make a modest but positive contribution to the character and appearance of the area. A structural survey and advice from the Council's Building Control Officer indicated that the building was capable of conversion without major or complete rebuilding. Based on the above the Inspector concluded that although a new dwelling had been created, its impact on the area was an improvement and sufficient to outweigh the harm to the green belt from inappropriate development.

In a similar case at Vale Royal, an enforcement notice required the demolition and removal of materials for an unauthorised rebuilding of a former barn which had permission for conversion to a dwelling. Upon commencement of work the building became unstable and most of it had to be demolished. Permission to erect a new dwelling was refused and this was also appealed. The site lay within the green belt. Major rebuilding work involving more than 50% of the structure would be required and thus failed a local plan policy. Rebuilding was not justified

on the basis that a barn had once existed on the site. The appellant had expended £165,000 to date but this did not constitute a very special circumstance to outweigh harm to openness. Either rebuilding or new-build constituted inappropriate development and permission was refused.

The issue in question, therefore, is whether, in the light of the case law described above, the circumstances set out in the applicant's supporting statement are sufficiently exceptional to justify a departure from development plan policy.

Whilst the current application site at Henhull Bridge Farm does not lie within the Green Belt, it does lie within the Open Countryside where there is a presumption against inappropriate development. The proposal is similar to the appeal cases in that it does not comply with any of the criteria for acceptable residential development in the Open Countryside as detailed in Local Plan policy. Furthermore, the proposed new unit would not be identical to the unit which it was replacing, due to the increase in eaves/ridge height, reduction in floor levels and alterations to the elevational treatment. A further material consideration is that a comprehensive structural report had been submitted with the original application. Whilst it is accepted that the works required to convert Unit 3 were more complex, the report clearly stipulates that 'we could see no reason to consider the building cannot be retained and converted to dwelling use'. No additional structural reports have been submitted to the Council stating why the building had to be demolished, which would have been an important material consideration and there is no evidence that the applicant engaged a structural engineer prior to commencing work.

The most important point to be drawn from the Stockport and two Macclesfield decisions quoted above is that in all three examples the Inspectors granted permission because the proposed dwellings were identical replicas of previously permitted development. No harm arose. However, this would not be the case at Henhull Bridge Farm. However, as can be seen from the Vale Royal case, other Inspectors have taken a different approach and held to the strictly policy based view, that the rebuilding constitutes inappropriate development. These decisions, therefore, are not binding precedents. They merely indicate an approach which another Inspector might take if a decision to refuse this application went to Appeal.

It is considered that there are no exceptional material considerations to outweigh the policies in the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site is located wholly within the open countryside where there is a presumption against inappropriate forms of development. According to the applicant the building was in a poor state of repair and in order to comply with Building Regulations needed to be demolished. However, the applicant has failed to submit any further structural information as to the necessity to completely demolish this building. Whilst it is noted that the new building will be constructed on the same footprint, the eaves/ridge height of the proposal will be significantly higher and there will be an excessive number of roof lights on both roof planes. It is considered that the proposal will appear very stark and will have a detrimental impact on the character and appearance of the open countryside.

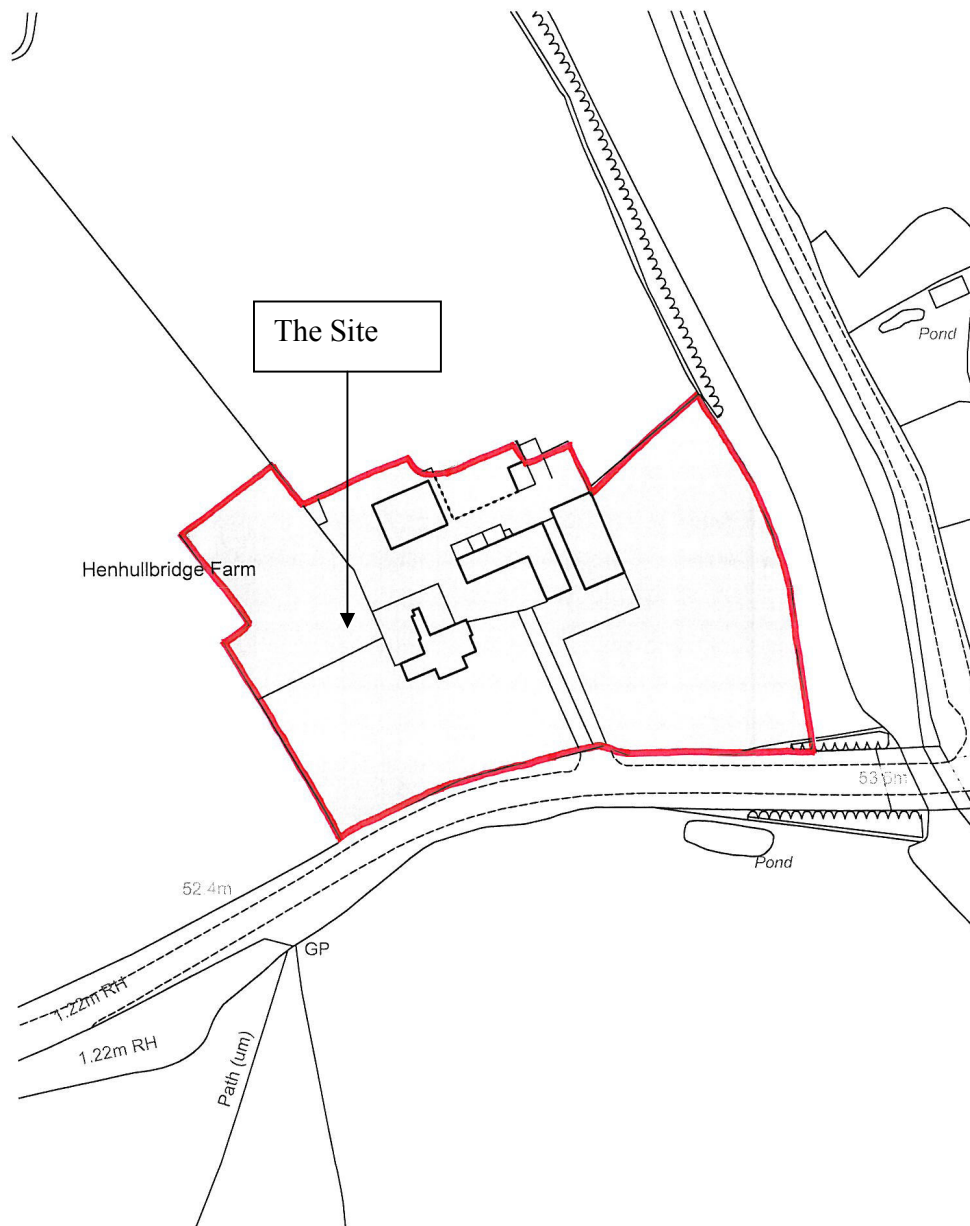
RECOMMENDATION

Refuse for the following reasons:

The application site is located in the open countryside where there are very strict controls over the building of new dwellings. The proposal is contrary to Policies RES.5 (Housing in the Open Countryside), RES. 10 (Replacement Dwellings in the Open Countryside) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 in that it does not involve the infilling of a small gap with one or two dwellings in an otherwise built-up frontage, the new dwelling is not a replacement for a dwelling occupied in the last 4 years and the new dwelling is not required for a person engaged full time in agriculture or forestry. The proposal to build a new dwelling in the countryside is also in conflict with national policy contained in PPS7: Sustainable Development in Rural Areas

The proposed new dwelling would be materially larger than the barn it would replace with a significant increase in the eaves/ridge height which coupled with the proposed large number of rooflights would result in the new building having a very stark appearance and being visible from a number of short and long distance views. It would appear as an incongruous and alien feature within the landscape, and as such the proposal would have significant detrimental impact on the character and appearance of the countryside. The proposal fails to comply with policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Location Plan: Cheshire East Council Licence No. 100049045



Application No: **10/4947C**

Location: **38, Brooklands Drive, Goostrey, CW4 8JB**

Proposal: **New Family Dwelling And Associated Works To Provide Turning Area Separate From Existing Dwelling.**

Applicant: **Mr & Mrs S Occleston**

Expiry Date: **17-Feb-2011**

Ward: **Goostrey**

Date Report Prepared: 18th January 2011

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of development
- Design
- Amenity
- TPO trees
- Highway safety
- Ecology

REASON FOR REFERRAL

The following call in request has been received from Councillor A. Kolker:

"Local residents have expressed concern to me that the proposal may have effects upon the amenity and character of adjoining land and buildings. I have expressed no opinion on the matter."

DESCRIPTION OF SITE AND CONTEXT

The application site relates to the extensive garden area located to the east of 38 Brooklands Drive, Goostrey. The Goostrey Settlement Zone Line runs through the site and as such the proposed dwellinghouse and curtilage would lie part within the Settlement Zone Line and part within the Open Countryside.

Residential development surrounds the site to the east, south, and north and Open Countryside lies to the north.

A band of trees protected by a Tree Preservation Order lies to the north of the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of a dwellinghouse. The dwellinghouse would have a front two-storey aspect and rear three-storey aspect due to the significant gradient of land on the site.

It is noted that amended plans have been received during the course of the application which have amended the design and positioning of the proposed dwellinghouse.

RELEVANT HISTORY

1978	Refused	One detached dwelling with garage
1997	Certificate issued	Certificate of lawfulness for use as domestic garden
1999	Approved	Application to fell one TPO tree
2002	Approved	Extension to property
2006	Approved	Conservatory
2009	Withdrawn	One dwellinghouse
2010	Approved	Extensions to dwellinghouse

POLICIES

Local Plan Policy

PS4 Towns

PS6 Open Countryside

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity & Health

GR9 Accessibility, servicing and parking provision

NR1 Trees & Woodland

H1 Provision of new housing development

H2 Housing Supply

H4 Residential Development in Towns

SPG2 Provision of Private Open Space in New Residential Developments

CONSULTATIONS (External to Planning)

Highways:

No response was received at the time of report preparation.

Environmental Health:

[06.01.2010] No objection subject to land contamination condition and the restriction of construction and pile driving hours in the interests of amenity.

Jodrell Bank Observatory:

[12.01.2010] No objection subject to the incorporation of electromagnetic screening materials within the development.

VIEWS OF THE PARISH / TOWN COUNCIL

No response was received at the time of report preparation.

APPLICANTS SUPPORTING INFORMATION

Design and Access Statement
Planning Statement
Tree Survey/Arboricultural Statement

OTHER REPRESENTATIONS

A total of 6 objections were received at the time of report preparation. The following material planning considerations were raised:

Highways issues

- The local road and driveway are insufficient to permit further vehicles, construction, and delivery vehicles.
- Vehicles are left at the top of the driveway which is hazardous.
- Parked vehicles during the construction of the development would cause a significant disruption.
- Increase in traffic during the construction of the development would have a major impact on existing residents.
- Access to the proposed new build would be via a long narrow driveway which is not appropriate for two dwellings.
- The gradient of the access prevents vehicles entering/exiting from the site in poor weather condition, requiring vehicles to be parked at the top of the drive or on Brooklands Drive creating problems of visibility and access for the other residents using Brooklands Drive.

Design and appearance

- The dwellinghouse would be totally out of proportion with surrounding dwellings.
- Appearance and scale of the proposal are not appropriate to the local character.
- The dwellinghouse would look out place, dominating the immediate neighbourhood which consists of a mix of more modestly sized one and two storey houses.
- The proposed dwelling would be a visual intrusion irrespective of its size and would be clearly visible from neighbouring properties.
- It would be seriously detrimental to the area which is considered as one of extreme beauty and as such would have a negative visual impact on the immediate area.

Amenity

- The proposal would impact upon the privacy afforded to neighbouring residents.
- Property separation would be significantly reduced.
- The proposed dwelling would appear imposing along boundaries with neighbouring properties.

- The additional traffic would generate more noise and affect the general area both during the build and after its completion.
- The proposal would be very imposing.
- The dwelling would be a disimprovement over the existing woodland.
- The proposal would have a detrimental impact on the surrounding properties.

Drainage

- The proposal would impact on the drainage of surface water.
- Drainage must be uninterrupted to ensure that ground saturation is avoided and neighbouring properties do not run the risk of flooding.
- The proposal would result in potential flooding, disruption of the natural drainage and increased water retention in the immediate area.
- Any hindering or diversion of any residual water / field drainage due to the foundations of any proposed dwelling could create problems with the foundations of neighbouring properties.
- The area is subject to flooding.
- Removal of trees would lead to an excess of water remaining in the vicinity.
- The potential of pollution of the local watercourse is heightened through the increased requirements on the local sewer system.

Landscaping

- Established trees have already been removed from the site.
- A line of mature trees may be threatened as a result of this planning application.
- Trees provide a screen separating the housing estate and Red Lion Brook.
- The proposal would require the removal of several established trees and other vegetation.
- The removal of more trees and scrub would reduce the amenity value of the surrounding area.

Other

- The proposal would result in the destruction of local habitat of much of the local wildlife and local bird population
- The proposal does not overcome previous refusals/objections/inspector's dismissal reasons.
- Initial planning permission was granted for the development of the area behind the first row of dwellings but was restricted to a further three dwellings only.
- Additional development would set precedents for further development where shared or tandem drives were applicable.
- Development of the land would not be consistent with its intended usage as garden plot.
- 38 Brooklands Drive is registered as business address. Is the new property also to be registered as a business address?

The following issue was raised within objection letters however, such is not a material consideration which can be taken into account when determining the application:

- Why does the development need to take place?

OFFICER APPRAISAL

Principle of Development

The Settlement Boundary Line for Goostrey runs through the application site and as such the proposal would lie part within the Goostrey Settlement Zone Line and part within the Open Countryside.

There is a presumption in favour of new residential development within the Settlement Zone Line but not within the Open Countryside and as such, it must be decided which is the relevant policy to judge the application against. In making such decision, consideration is given to the layout of surrounding development and the use of the site.

The site is currently used as residential curtilage and is significantly screened from the wider Open Countryside to the north by woodland protected by a Tree Preservation Order. In addition, the dwellinghouse would be positioned within a band of residential development and would project no further north into the Open Countryside than surrounding residential development within the Settlement Zone Line. As a result the dwellinghouse would not protrude within the Open Countryside.

Due to such reasons it is considered that it would be unreasonable to apply Open Countryside policies to the application and on balance the principle of the development is acceptable.

It is noted that reference has been made to the outcomes of previous applications and an appeal however, each application must be judged on its own merit.

With regard to objections in terms of the proposal setting a precedent, whilst each application is judged on its own merit, it is not considered that the proposal would be likely to set any precedent given that limited availability of similar plot sizes in the immediate vicinity.

Design

The proposed dwellinghouse would be located behind an existing row of dwellings which front onto Brooklands Drive and would be accessed via a long private drive, shared with 38 Brooklands Drive. Whilst the proposed dwellinghouse would not replicate the predominant building pattern of the area, as another pair of detached dwellings replicates a similar layout to the proposed development (46 & 48 Brooklands Drive), the layout is considered to be acceptable.

The proposed dwelling has been designed and positioned to fit with the existing natural landscape of the site, which has a relatively steep gradient running in a south to north direction. As a result the dwellinghouse would provide accommodation over three floors, with the lower level of the property being set into the slope of the landscape. When viewed from the south, the property would be viewed as a two-storey dwellinghouse. It is only from a northerly direction that the three storey element would be visible.

The proposed dwellinghouse would be of a modern, individual design. Given that the surrounding residential area encompasses no strict vernacular, a modern style

dwellinghouse would be acceptable. It is acknowledged that the proposed dwellinghouse would be of a large scale however, it would be of a similar footprint to the adjacent property 38 Brooklands Drive and as such is considered acceptable.

With regard to the impact upon the street scene and Open Countryside, it is appreciated that concerns have been raised in relation to the visual impact of the development however, it is noted that there would be no significant views of the dwellinghouse from public vantage points as existing dwellings on Brooklands Drive would screen the development to the east, south, and west and the protected woodland would screen it from the north.

The submitted supporting information states that the materials to be used within the development would achieve a high level of thermal performance, energy efficiency and air tightness, which would contribute to the dwelling meeting a majority of criteria for level 4 of the code for sustainable homes.

It is noted that it was raised within objections that the proposal would impact upon an area which is considered to be one of as extreme beauty however, it is noted that the site is not designated as an AONB, Area of Special County Value, or similar.

Amenity

The proposal would be located amidst residential properties however, it would comply with the minimum privacy distances as outlined in SPG2. A refusal on privacy grounds is therefore considered unlikely to be sustained at appeal.

Addressing the concerns that the proposed development would appear overbearing and imposing, it is noted that the proposal would have an eaves height which would be somewhat level to the eaves of neighbouring bungalows located to the south and the dwellinghouse would have a ridge height approximately 1 metre lower than the ridge of the same properties. As a result, it is not considered that the dwellinghouse would appear imposing and the impact upon the amenity afforded to the properties located to the south is considered acceptable.

With regard to the property appearing imposing upon other properties surrounding the development, given that the privacy distances which comply with SPG2 would be maintained and as the dwellinghouse would not be immediately adjacent to any of the site boundaries, it is considered unlikely that the dwellinghouse would appear imposing. It is noted that landscaping and boundary details would be conditioned to ensure that sufficient screening was retained between the proposal and neighbouring sites.

It is acknowledged that occupiers of adjacent premises may consider that a view of a dwellinghouse would not be as visually pleasing as one of existing trees/woodland however, the disruption of views over other people's land is not a material planning consideration for which the application could be refused.

Concerns have been raised within representations that increased vehicular movements at the site would contribute to additional noise at the site however, it is considered unlikely that one additional dwellinghouse would give rise to a long-term significant rise in traffic to sustain a refusal of the application. During the construction of the development it is acknowledged that there would be increased noise however, the development could be

controlled via condition to ensure that development only occurred during reasonable hours.

TPO trees

The proposal would not result in the direct loss of any trees protected by a tree preservation order and the proposed dwellinghouse would be located a significant distance away from such.

Whilst it is appreciated that concerns have been raised that trees have already been removed from the site, such trees were not protected and could be removed at any time without the consent of the Local Planning Authority.

Members will be provided with information in relation to the further removal of non-protected trees within an update.

Highway safety

The proposed new dwelling would utilise the existing access off Brooklands Drive which serves No. 38. A new driveway and turning area have been provided within the development which would allow for vehicles to be stored on the site and enter/leave in a forward manner.

Members will be provided with the Strategic Highways Manager's comments within an update.

Ecology

Only one group of trees would require removal to accommodate the new dwellinghouse. As described within the submitted report, none of such trees appear to have any significant potential for roosting bats and a bat survey is therefore not required.

In order to ensure that impact upon wildlife is limited, it is considered reasonable to attach a condition relating to a detailed survey for nesting birds to be submitted. And in the case where any are found, exclusion zones shall be left around any nests until nesting is complete.

Other issues raised within objections

Significant concern has been raised in relation to the drainage of the site and the resultant stability of the land. The submitted application form indicates that it is unknown whether the development would connect to the existing drainage system however, any new drainage scheme could be sufficiently controlled via condition.

With regard to land stability, this is a material planning consideration however; it is a matter that would be taken into account at the Building Regulations stage. It would be the responsibility of the Building Control Officer to determine if the design of the proposal and its foundations would allow for the building to be constructed and used safely.

With regard to flooding, it is noted that the site is not within a Flood Zone and, subject to appropriate hardstanding materials and drainage details, the impact upon flooding should be negligible.

Concerns have been raised that the site is to be registered as a business address. However, this is not a reason for which the application should be refused. Permission is sought for a dwellinghouse and the application must be judged accordingly and not on speculative future uses on the site.

CONCLUSIONS

The principle of the development is acceptable, as is the proposal's design, impact upon neighbouring properties, highway safety, street scene, and protected trees. The application is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions: -

- 1. Commencement of development within 3 years**
- 2. In accordance with approved plans**
- 3. Details of all external materials to be submitted**
- 4. Inclusion of electromagnetic shielding materials**
- 5. Land contamination**
- 6. Hours of construction**
- 7. Details of pile driving**
- 8. Landscaping scheme**
- 9. Landscaping implementation/maintenance**
- 10. Tree protection measures**
- 11. Boundary treatment details**
- 12. Hard landscaping details - to include permeable materials**
- 13. Drainage details**
- 14. Removal of permitted development**
- 15. Full details of existing and proposed levels**
- 16. Soil disposal method statement**
- 17. Nesting birds survey**

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: **10/4984N**

Location: **The Cottage, Edleston Hall Lane, Ravensmoor, CW5 8PJ**

Proposal: **Proposed Residential Extension & Alteration Works to Existing House**

Applicant: **Mr & Mrs N Hammersley**

Expiry Date: **17-Feb-2011**

Ward **Cholmondeley**

SUMMARY RECOMMENDATION:
Refuse

MAIN ISSUES:

- **Principle of development**
- **Impact of the development on the open countryside**
- **Impact of the development on the host dwelling**
- **Impact of the development on residential amenity**

REASON FOR REFERRAL

This application has been called in to Southern Planning Committee by Cllr Bailey for the following reasons:

“Concerns relating to the inconsistency in the interpretation of policy relating to extensions in the open countryside given other development within the area.”

DESCRIPTION OF SITE AND CONTEXT

The application site lies within the open countryside located on the south side of Edleston Hall Lane. Edleston Hall Lane is an unclassified road with a scattered pattern of development along it.

The Cottage is a two storey brick dwelling built on two levels with the higher level a later addition to the traditional cottage.

DETAILS OF PROPOSAL

The application seeks permission for a two storey rear extension 13 metres wide projecting 3 metres at first floor and 4 metres at ground floor level. A single storey extension would be provided to the rear of the existing single storey lean-to at the side of the dwelling projecting 4 metres to the rear. The proposal also includes the remodelling of the existing bay window on the front elevation serving the existing dining room and the rendering of part of the existing dwelling.

RELEVANT HISTORY

4/5/9504 – Proposed Alterations and Extensions to Existing Cottage and New Garage. Planning permission was approved 27th March 1973.

09/2563N – Two Storey Rear Extension. Planning permission was refused 8th October 2009.

10/0703N – Certificate of Lawful Proposed Development for Two Storey Rear Extension to Existing Dwelling. A negative certificate was issued 2nd December 2010.

POLICIES

Local Plan Policy

NE.2 (Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

RES.11 (Improvements and Alterations to Existing Dwellings)

Supplementary Planning Documents

Borough of Crewe and Nantwich SPD: Extensions and Householder Development

Other Material Considerations

PPS1: Delivering Sustainable Development

CONSULTATIONS (External to Planning)

No external Consultees

VIEWS OF THE PARISH COUNCIL:

If a consultation response is received this will be provided by update

OTHER REPRESENTATIONS:

None received at the time of writing the report. If any are received they will be provided by update.

OFFICER APPRAISAL

Principle of Development

The application site is situated in the open countryside. Policy RES.11 states that in the open countryside the original dwelling must remain as the dominant element with the extension subordinate to it. The justification for policy RES.11 expands on this stating that extensions must not result in the creation of a dwelling that is double or more than double the size of the original dwelling. The original dwelling is defined as that which existed on 1st July 1948 or the dwelling as originally built, whichever is most recent.

The Cottage was originally a small dwelling which was extended under permission granted in 1973. This extension approximately doubled the size of the original dwelling and can clearly

be seen by the two mismatching bricks and due to the extension being built at a higher level. The extension now being proposed under this application would increase the floorspace by approximately 82% over the existing dwelling today which would mean an increase of 263% over the original dwelling. Whilst this indicates a large increase the case officer for the 1973 application observed that in allowing that extension the resulting dwelling would only provide a basic level of accommodation by the standards of the day which was some 38 years ago. It is noted that this dwelling is still relatively small and there have been a number of large extensions and replacement dwellings allowed within the locality. The neighbouring property Maydean, for example, has been extended to more than double the size of the original dwelling and was allowed a further extension in 2009 and a large detached double garage in 2007. Given that this is the case, some increase above the 100% would not be completely objectionable and moreover the original dwelling has lost some of its identity by virtue of the fact the existing extension is not subordinate and the front entrance is provided on that extension. However policy RES.11 clearly states that the original dwelling must remain as the dominant element and the extension subordinate to it and whilst this extension will bring the dwelling to a standard more akin to other properties within the locality the calculation of percentage increase is not the only consideration in determining whether an extension is subordinate.

The extension spans the entire two storey rear elevation and although set in 200mm each side, this has little effect in reducing the impact of the extension on the host building. The Supplementary Planning Document, Extensions and Householder Development, states that rear extensions should be designed not to dominate the whole of the rear elevation. This extension will overwhelm the existing dwelling and does not respect its setting, scale or form. Additionally the increased bulk and mass is a significant addition to the built form in the open countryside which would fail to be subordinate and would lead to a loss of identity of the original dwelling. There has been a reduction in size from the previous refused planning application by reducing the rear projection at first floor level from 4 metres to 3 metres and from 5 metres to 4 metres at ground floor. The external canopy has also been removed from the ground floor level. These changes have reduced the overall bulk and mass however on balance, it is considered the changes do not overcome the concerns relating to the span of the extension and the overall scale and bulk of built development proposed.

Design

The proposed extension would be Oak framed with render infill panels and clay roof tiles. The application also proposes to render the existing extension. This would represent an improvement over the current situation where various facing bricks have been used which is to the detriment of the character and appearance of the dwelling. This approach will ensure that there are only two distinct finishes and avoid a mismatch by adding a further brick to the dwelling. The Oak framing is not a feature which is evident on the original dwelling however this is not wholly objectionable because it allows the extensions to be clearly distinguished from the original dwelling and is considered a sympathetic solution to the poorly matched brickwork of the existing dwelling.

The proposed rear elevation introduces substantial glazing, mainly at ground floor level but also a large two storey feature wall in the middle section which will be recessed at ground floor level. The remaining windows at first floor would be more traditional and in keeping with the existing windows. The reason for refusal on the previous application stated that the fenestration failed to respect the traditional design and appearance of the host building. The alterations made to the fenestration in this scheme go some way to address those concerns, particularly at first floor level, however the overall character and appearance is still very dominated by the glazed walls which are not in keeping with the traditional appearance of the

existing building. However, the design and appearance of the extension as a whole is more in keeping with the host dwelling.

The proposal also includes the remodelling of the bay window to the front elevation. This would not be detrimental to the character and appearance of the dwelling and would be of a design more in keeping with other dwellings in the area and sympathetic to the surroundings.

Amenity

The extension will be approximately 50 metres from the nearest neighbouring dwelling, Maydean which is located to the east. It is therefore considered that this proposal will not result in significant harm to neighbouring amenity in terms of loss of light, visual intrusion or overlooking.

CONCLUSIONS

On balance, the proposal does not overcome the reasons for refusal on the previous scheme. Due to its size, scale, bulk and massing and its position and proportions spanning the entire rear elevation, it would not be subordinate and would overwhelm the original dwelling. The application is therefore recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons:-

1. The proposed extension by virtue of its size, scale, position and proportions, spanning the entire rear elevation of the existing dwelling, would not be subordinate and would overwhelm the original dwelling contrary to Policies NE.2 (Open Countryside), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local plan 2011 and guidance contained within the Local Development Framework Extensions and Householder Development Supplementary Planning Document 2008.



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 2nd February 2011
Report of: Adrian Fisher, Head of Planning and Housing
Title: Wyche Lane, Bunbury

1.0 Purpose of Report

- 1.1 To consider a proposed variation to the Section 106 Agreement attached to planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury, approved by Crewe and Nantwich Borough Council.

2.0 Decision Required

- 2.1 To agree to the proposed amendments and to instruct the Borough Solicitor to prepare a Deed of Variation.

3.0 Background

- 3.1 Full planning permission was granted in March 2009 for an affordable housing development of ten houses along the frontage of the former football field, situated between the village centre and the area of Higher Bunbury to the east.
- 3.2 The scheme comprises 3 pairs of semi-detached dwellings fronting onto the road and a single larger detached dwelling at 90 degrees to the road. A further block of 3 mews houses is located to the rear of the site. A parking court has been provided in the centre of the site, with areas of open space to the rear corners. Vehicle access to the parking court is from a single T junction midway along the site frontage.
- 3.3 The current Section 106 Agreement identifies the split as 7 affordable rented units and 3 shared ownership units.
- 3.4 On 22nd February 2010 the committee resolved to instruct the Borough Solicitor to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site from 7 affordable rented units and 3 shared ownership units to provide for all affordable rented units

4.0 Proposals

- 4.1 Following the committee resolution, a bid was made by Muir, which is the Registered Social Landlord developing the scheme, to the HCA on

the basis of the approved scheme. However, it could not be funded due to the lack of available HCA grant.

4.2 Subsequently, some HCA funding has become available and in early December 2010 discussions took place between the HCA and Cheshire East to establish what schemes should be given priority. Wyche Lane was identified as the Local Authority's top priority, but the housing need for this area has changed due to the development of another site in close proximity, which delivered social housing units for target rent.

4.3 Cheshire East have therefore asked Muir to make a HCA bid based on a revised mix of four affordable rent and six intermediate rent. The bid is currently being considered by the HCA, but any grant funding would be dependent on a start on site this financial year.

4.4 The current scheme, as set out in the Deed of Variation, which is at present unsigned, is still to provide 10 units at target rent. This therefore does not meet the current demand in the area and is not in line with the bid to the HCA.

4.5 Muir have therefore requested an amendment to the current S106 to allow for the following mix of units: -

2x 2bed/4person Houses at Target Rent

2x 3bed/5person Houses at Target Rent

3x 2bed/4person Houses at Intermediate Rent

3x 3bed/5person Houses at Intermediate Rent

Units in total: 10

4.6 The intermediate rented units will be based on 80% of Open Market Rents in the Area, which have been obtained by an independent local valuer. The current open market rents for the area are £650 pcm for the 2bed/4person house and £750 pcm for the 3 bed/5 person house.

4.7 Any bid for grant to the HCA, now goes through a rigorous vetting process and they want to see evidence that any scheme being allocated grant this late in the year is in a position to start on site by March 2011. They would therefore need to see any S106 or planning issues resolved before they can commit to grant funding.

5.0 Conclusion

5.1 On the basis of the above, the proposed changes to the Section 106 are considered to be appropriate and acceptable.

6.0 Recommendation

That the Committee resolve to instruct the Borough Solicitor to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site to:

2x 2bed/4person Houses at Target Rent

2x 3bed/5person Houses at Target Rent

3x 2bed/4person Houses at Intermediate Rent

3x 3bed/5person Houses at Intermediate Rent

Units in total: 10

7.0 Financial Implications

- 7.1 There are no financial implications. Muir will be required to pay the Council's legal costs.

8.0 Consultations

Borough Solicitor

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

Housing Section

- 8.2 The housing section have commented that they support the changes proposed by Muir Group to the s106 agreement.

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

For further information:

Portfolio Holder: Councillor Jamie Macrae
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

Application P07/0867

CHESHIRE EAST COUNCIL

Southern Planning Committee

Date of Meeting 2nd February 2011
Report on 08/1236/OUT Land at Mill Street / Brook Street,
Congleton

1.0 Purpose of the Report

- 1.1 Following the decision by Members to resolve to grant permission for the above scheme on the 21st April 2010, to consider amendments to the proposed conditions and S106 Heads of Terms.

2.0 Decision Required

- 2.1 To agree to the proposed amendments to both the conditions and S106 Heads of Terms.

3.0 Background

- 3.1 The application site relates to 3.6ha of land at Mill Street and Brook Street in Congleton which Members, on the 21st April 2010, resolved to grant planning permission for the redevelopment of subject to 29 conditions and the prior signing of a S106 Agreement with 9 heads of terms.

- 3.2 The conditions extended to include: -
Condition 19 'Scheme for Compensatory Flood Storage'; and
Condition 27 'Scheme for 10% Renewable Energy'

And

- 3.3 S106 Heads of Terms to extend to include: -
(3) Submission of an operation statement in relation to the proposed care home and close care/ retirement apartments;
(5) Public transport enhancements including footpath works
(6) On site provision of children's play equipment and a financial contribution towards maintenance of £53,834;
(8) Scheme for ecological enhancements; and
(9) Possible contribution towards drainage in relation to United Utilities
- 3.4 However, following detailed discussions between officers and the applicant's agent, it has become apparent that a number of amendments are required to the original resolution in relation to both the proposed conditions and Heads of Terms to be revised for reasons now discussed in more detail below.

4.0 Matters relating to conditions

4.1 *Remove Condition 19 - Flood Storage and Mitigation*

In dealing with flood risk, and on the advice of the Environment Agency, a number of conditions were imposed covering technical design issues and site levels to manage the risk associated with flooding from the River Dane.

Following further discussions on this issue however, condition 19 has been found to be unnecessary. Its purpose was to require a detailed scheme for flood storage within the site; something that was actually secured by condition 23 that required the implementation of a detailed cut and fill scheme which facilitates the creation of two large flood storage areas within the site sufficient to satisfy the requirements of PPS25 and GR21

4.2 *Amend Condition 27 - 10% Renewable Energy*

Condition 27 of the original resolution sought to impose a requirement for the scheme to generate 10% of its energy requirement from low carbon sources in accordance with policies EM17 and EM18 of the North West Regional Spatial Strategy.

Following discussions with the applicant's agent however, it has been agreed that a condition to secure the construction of the proposed dwelling to 'Code for Sustainable Homes' Level 3 would offer a more rounded sustainability criteria which would satisfy the requirements of PPS1 'Delivering Sustainable Development'. Officers consider this approach represents a more appropriate long term solution having regard to the fact that the North West Regional Spatial Strategy (RSS) is likely to have been abolished by the time construction works commence on this site thereby undermining the reasons behind the imposition of the condition.

4.3 *New Condition - Restriction of Retirement Apartments to the Over 55+*

Officers now consider that a further condition is required to impose occupation restrictions on the 36-no close care retirement block ensuring in order to ensure they remain solely for the over 55+'s. This is necessary because it had originally been intended to secure the restriction through the proposed operation statement which is now no longer considered necessary (and which is recommended for removal in the forthcoming section).

4.4 *New Condition - Development Phasing*

Due to the nature of the application site, in effect comprising two separate parcels of land, and the number of operations which need to be controlled (such as affordable housing, flood storage, bat mitigation and implementation of POS), it is considered that a phasing condition is essential in order to ensure that the Council can fully control the manner in which the site is developed in the future.

5.0 Heads of Terms

- 5.1 *(3) Remove requirement for the submission of an operation statement*
At the time that the application was presented to Members, and following advice from the Local Plans section, it was deemed that an operation statement would be required for the proposed care home and retirement apartments. Following further discussions between all parties however, it has been agreed that this restriction is simply not required.

This is due to the fact that the proposed care home element would operate as solely as a C2 use with the retirement apartments operating solely as C3. This avoids the situation of a 'care village' where the mix and types of uses tend to be more ambiguous, the nature of occupation more varied and additional uses more widely extended (shops, salons etc) which is not the case in relation to the proposed development of this site.

- 5.2 *(5) Remove the requirement for 'footpath enhancements'*
The Strategic Highways Manager had initially sought a financial contribution in relation to footpath improvements around the vicinity of the application site. However, following further discussions, and in light of the £24,000 contribution towards two bus-stop upgrades (to Quality Partnership Standard), the SHM agrees that a contribution towards no longer required. The requirements of GR1 and GR9 would still however be satisfied.

- 5.3 *(6) Children's Play Provision*
It had originally been agreed that children's play equipment would be provided on-site and a financial contribution of £53,834 sought towards the future maintenance thereof. However, following further consideration of a request by the applicants agent, the Greenspaces section have advised that they would prefer the equipment to be provided within Congleton Park itself (to which the site would have direct access via a proposed new bridge).

The advantages of this approach are that the financial contribution would secure provision of new play equipment for older children within Congleton Park to support the existing play equipment that is aimed primarily younger children.

Greenspaces therefore advise that the agreement should be amended to secure a financial contribution of £55,000 for the provision of new off-site play equipment and an additional sum for the future maintenance of the new equipment (the value of which will be confirmed by way of an update). Provision in this manner would still meet the requirements of the S106 regulations because the provision of play equipment is (a) Necessary to make the development acceptable having regard to the Interim Policy Note on Public Open Space; (b) directly related to the development because the contribution

is calculated against the size of the development and the impact on need; and (c) Fairly and reasonably related in scale and kind to the development because the commuted sum is based on what it cost the developer to buy and implement the equipment and reflect the maintenance costs to the Council over the next 25-years.

5.7 (8) Scheme for ecological enhancements

This aspect of the S106 is no longer required. Conditions 13 (landscaping), 14 (protection of breeding birds), 15 (Bat mitigation) and 22 (8m bank top zone) ensure adequate protection for wildlife within the site as well as opportunities to enhance bio-diversity in accordance with the requirements of PPS9 'Bio-diversity and Geological Conservation' and policies NR3 and NR5.

5.9 (9) *Remove the requirement for a potential contribution towards drainage*

When the application was first presented to Members, it was unclear whether a financial contribution would be required towards the adoption of any on-site Sustainable Drainage Systems (SuDS) features. The applicants agent has subsequently confirmed however that the proposed SuDS system on this site will comprise oversize pipes; a common solution that allows excess storm water to be stored and released in a controlled manner over time, rather than by means of features such as balancing ponds that may require adoption by the Council rather than United Utilities.

On that basis, whilst the precise details would still need to be formally discharged under condition 20 (surface water regulation) a financial contribution is no longer considered necessary.

6.0 Recommendation

6.1 That Members resolve to agree to following revised conditions and S106 Agreement Heads of Terms: -

6.1 Proposed Amended S106 Heads of Terms

a) Provision of 30% affordable housing, extending to include the proposed retirement apartments, split equally between social rented and intermediate housing (including either shared ownership, Rent to Home Buy or Discount For Sale – but of a split to be agreed by Cheshire East Housing Section)

b) Submission of a Travel Plan with associated management arrangements including annual reports for a five year period and financial contribution of £5000 towards monitoring (returned if not spent).

c) Financial contribution of £24,000 towards the provision of two quality partnership standard bus stops

d) Provision of a financial of £55,000 towards off-site play provision and an associated maintenance contribution (precise figure to be confirmed)

e) Applicants to purchase and install a bridge between the application site and Congleton Park with the precise design, specification and timescale for implementation to be first agreed by Cheshire East Council. (The maintenance and upkeep of which shall be the applicant's responsibility).

f) Private management plan for the on-site Amenity Greenspace and proposed bridges (to Congleton Park and within the application site itself) to be submitted and approved by the Local Planning Authority.

6.2 Proposed Conditions

1. Outline application time limit
2. Reserved Matters – Layout, Scale, Appearance and Landscaping
3. Development parameters in accordance with indicative plans (Care home and retirement apartments to north and accessed from Mill Street) (Residential on Southern Parcel and accessed from Brook Street)
4. Restriction to no more than 74 dwellings, 72 bed care home and 36-retirement apartments
5. Restriction to occupation of retirement apartments to the over 55+
6. Contaminated land condition (including further intrusive investigation and remediation)
7. Detailed scheme for noise mitigation to be agreed and implemented prior to first occupation
8. Detailed scheme for dust mitigation during demolition and construction
9. Restrictions on hours of construction
10. Restriction on hours of piling activity
11. Restriction on hours of construction vehicle deliveries
12. Precise details for care home filtration and extraction systems
13. External lighting strategy to be submitted agreed

14. Detailed Tree Protection Scheme to submitted, agreed and fully implemented
15. Protection of Breeding Birds
16. Detailed mitigation strategy for bats based on the TEP Option One retention strategy including wheelhouse structural works.
17. Scheme for watercourse protection during construction
18. Proposed building floor levels 600mm above freeboard allowance
19. Roads, parking and footways 300mm above freeboard allowance
20. Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
21. Surface water regulation to be submitted and agreed
22. Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
23. Site levels to be strict accordance with Peter Mason Cut and Fill Drawings unless otherwise agreed in writing
24. 8m buffer strip and wildlife corridor to be retained adjacent to the watercourse
25. New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
26. Site waste management plan
27. Scheme for Archaeological investigation
27. Houses to be constructed to Code for Sustainable Homes Level 3
28. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
29. Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
30. Development Phasing – Parameters and Restrictions

Location Plan

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PLANNING
Westfields, Middlewich Road,
Sandbach, Cheshire.
CW11 1HZ.



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STRATEGIC PLANNING BOARD

Date of Meeting: 15th September 2010

Report of: Deborah Ackerley Principal Planning Officer (Enforcement)

Cheshire East Borough Council.

Title: Update Report on Planning Enforcement Performance

1.0 Purpose of Report

- 1.1** To inform Members of the details of existing live Enforcement Notices/enforcement action carrying on from the last update report put before Members of the Strategic Planning Board on 23 December 2009.
- 1.2** Table 1 of this report details all existing cases where Notices have or are due to be issued or where legal action is pending or has been through the courts since the last report.
- 1.3** Table 2 details the number of enforcement enquiries received since the last report; the number of cases closed; and the numbers and type of Notices issued. It also details the team's performance as per the Local Performance Indicators set out in the Council's adopted Enforcement Protocol i.e. numbers of site visits undertaken within the prescribed timescales.

2.0 Performance Reporting

- 2.1** Enforcement Officers currently have to work using four different enforcement computer data bases inherited from the legacy authorities. Given the apparent vagaries of the Oracle data base and licensing arrangements it appears not to be possible for each officer to have access to all systems. Consequently this significantly hinders cross borough working and officers, in the main, are restricted to dealing with cases within their legacy authority boundaries.
- 2.2** This, accompanied with the loss of a member of the team, has resulted in extreme pressure being placed on already limited resources. However, every effort is being made to respond to complaints in accordance with the timescales set out in the adopted Enforcement Protocol.
- 2.3** Progress is being made on the transition to the Swift computer system. This should allow greater cross borough working and allow for more detailed statistical reports to be put before Members.

- 2.4** It is anticipated that the Swift system should be in use for enforcement early in the New Year.

3.0 Future Reporting Procedures

- 3.1** It was previously recommended that an update report be presented to the Strategic Planning Board on a quarterly basis. On reflection it is suggested that a bi-annual report would be more appropriate taking into account the timescale for appeals to be decided and matters to progress through the courts. It is clear from Table 1 that the majority of Enforcement Notices issued result in an appeal. The appeal process, on average takes approximately 6 months. A further point worthy of note is that the compliance period of many notices is greater than 3 months.

4.0 Recommendation

- 4.1** That Members receive this report and also confirm the proposed future reporting procedures as recommended in paragraph 3.1 above.

For further information:

*Portfolio Holder: Jamie Macrae
Officer: Deborah Ackerley
Tel: No. 01279 537441*

Table 1: Planning Enforcement Notices - Cheshire East Borough Council

Site Address	Breach	Type of Notice	Current Status
Land at Carr Lane, Chorley	Steel structure clad in blue corrugated sheeting	Enforcement Notice	Enforcement Notice served. Appeal dismissed. High Court challenge to appeal decision dismissed. Planning Permission 02/2280P granted subject to conditions for retention of building with new facing and roofing materials. Appeal against imposition of conditions in relation to the timing of implementation allowed. Legal proceedings against non compliance with Enforcement Notice deferred to allow for implementation of planning permission 02/2280P. Planning permission expired on 08/01/2008. Direct Action to demolish the building now being considered.
Land at Carr Lane, Chorley	(1) Hardstanding (2) Use of land for stationing of caravan and Portacabins for residential and non agricultural storage	Enforcement Notice	Enforcement Notice served. Appeal dismissed. No compliance. Prosecution commenced but withdrawn due to legal advice regarding nature of respondents defence. Opportunity for any successful legal action is dependant on change in owner's financial circumstances.
Lindow End Smithy, Edge View Lane, Chorley	Erection of building	Enforcement Notice	Enforcement Notice served. Appeal dismissed. Building demolished and concrete slab removed. CASE CLOSED.
Styal Moss Nursery, Moss Lane, Styal	Unauthorised use of land for airport parking	Enforcement Notice	Enforcement Notice served. Appeal lodged 12/10/06. Public Local Inquiry held 12 and 13 February 2008. Appeal dismissed 10/03/08. Successful High Court challenge 2009. Awaiting date for appeal to be re-heard.
Lode Hill, Altrincham Road, Styal, Wilmslow	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice served. Appeal lodged 12/02/08. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed). Planning Inspectorate made typing error in their formal Decision Letter which may result in the Council being unable to pursue compliance. Legal advice being sought.
Lindow End Smithy, Edge View Lane, Chorley	Change of use of land from industrial to residential including the siting of residential caravans, greenhouses, shed, meter housing and other domestic paraphernalia	Enforcement Notice	Enforcement Notice served. Appeal lodged 08/04/08. Appeal Dismissed 07/01/09, Notice upheld. Notice complied with. CASE CLOSED.
Croker Farm, Sutton	Unauthorised building	Enforcement Notice	Continued non-compliance with Enforcement Notice. Two prosecutions for non-compliance. On each occasion owner fined £250 and ordered to pay £250 costs. Planning application to retain as replacement dwelling refused. Appeal lodged and dismissed. Considering further prosecution but this will not secure removal of the building.
Deans Farm, Congleton Road, Gawsworth	Formation of hardstanding and storage of caravans	Enforcement Notice	Caravans removed several years ago but a small area of hardstanding remained. Enforcement Notice was aimed at caravan storage use, with hardstanding being a secondary issue. It is no longer expedient to pursue the removal of the hardstanding. CASE CLOSED.

1 Putty Row, Macclesfield Road, Eaton	Erection of front porch, boundary wall, railings and gates	Enforcement Notice	Enforcement Notice served. No appeal. Partial compliance with Notice. Porch not removed. Decision required as to whether to pursue removal of porch through legal proceedings.
Hollands Nursery, Maley Pole Farm, Congleton Road, Gawsorth	Breach of planning condition that required removal of building	Breach of Condition Notice	Breach of Condition Notice served (no right of appeal). Not complied with. Legal Department instructed to commence prosecution, but property was about to change hands which would have made prosecution no longer possible. Sale was never completed. Planning application 10/1711M approve July 2010 for redevelopment of the site for Lodge Park which will regularise the breach. Site unoccupied as Nursery has closed down.
Robins Cob, Fanshawe Lane, Henbury	Unauthorised detached garage and extension to dwelling	2 x Enforcement Notices	Two Enforcement Notices Served (Notice A - Garage and Notice B - Extensions). Appeals Lodged against both Notices. Inspector upheld Notice A and quashed Notice B. Time for compliance with Notice A extended to 12 months. Notice A complied with. CASE CLOSED.
Jarmans Farm, Over Alderley	Unauthorised boundary wall	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance. Negotiations ongoing in relation to acceptable modifications before further planning application submitted.
3 Georges Road West, Poynton	Unauthorised erection of two storey side extension	Enforcement Notice	Enforcement Notice served. Appeal lodged 3/12/2007. Appeal dismissed 31/03/08. Notice not complied with. Owners successfully prosecuted 26/08/09. Enforcement Notice substantially complied with. CASE CLOSED.
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice served. Appeal lodged 27/05/08. Appeal dismissed 13/05/09. No ground a) appeal lodged and so planning merits not dealt with. Subsequently submitted planning application to retain development but was refused on 07/05/10. Owner has stated his intention to appeal. Appeal deadline in 07/11/10. Legal advice being sought regarding legal action for non compliance with Enforcement Notice.
Stable Cottage, Mereside Road, Mere	Unauthorised single storey link extension	Enforcement Notice	Enforcement Notice has been complied with. CASE CLOSED
Crabtree Farm, Crabtree Lane, High Legh	Unauthorised change of use of land, formation of ménage and erection of buildings	Enforcement Notice	Enforcement Notice served. Appeal part dismissed and part allowed. Planning permission 08/1575P granted in 2008 for a modified version of one of the buildings and part of hardstanding. Enforcement Notice has been complied with. CASE CLOSED
Breach Cottage, Breach House Lane, Mobberley	Construction of an unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 05/12/07. Appeal dismissed and Notice upheld in relation to the building that was the subject of the Enforcement Notice, however planning permission granted for the building as it existed as the time of the Public Inquiry (the building was reduced in size shortly before Public Inquiry). The Council was challenging the appeal decision in the High Court, but later withdrew proceedings. CASE CLOSED.
Maple Farm, Paddock Hill, Mobberley	Construction of an unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 21/12/07. Appeal dismissed 08/01/09. Compliance due 08/04/09. Modified building granted planning permission on 23/12/09. CASE CLOSED.
1 Pear tree Cottage, Paddock Hill, Mobberley	Construction of unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 28/12/2007. Appeal allowed 05/01/2009. Notice quashed. CASE CLOSED
Mere End Cottage, Mereside Road,	Unauthorised erection of	Enforcement Notice	Enforcement Notice served. Appeal lodged 29/04/08. Appeal part allowed

Mere, Knutsford	dwellinghouse and detached garage		part dismissed February 2009 – Garage allowed to remain but dwelling to be demolished. Planning permission granted in March 2009 for modified dwelling. Planning permission 09/2837M requesting amendments to previously approved scheme submitted September 2009 but still awaiting determination. Dwelling remains unoccupied.
Land at Spinks Lane, Pickmere	Unauthorised MCU of land for agricultural use to the siting of residential and touring caravans etc	Enforcement Notice	Notice served 31/03/0. Appeal Lodged 29/04/09. Appeal dismissed 16/11/09. Compliance due 11/03/11.
Land of Prestbury Road, Macclesfield	Unauthorised shipping container, hardstanding and fencing	Enforcement Notice	Notice served 07/07/09, Appeal Lodged 28/07/09. Appeal dismissed 16/11/09. Compliance Due Date 16/05/2010. Enforcement Notice mostly complied with, full compliance expected shortly.
White Peak Alpaca Farm, Paddock Hill, Mobberley	Unauthorised erection of a dwelling and laying of hardstanding	Enforcement Notice	Notice served 10/12/09. Appeal lodged 04/01/10. Appeal dismissed 16/07/10. Compliance due 16/07/11.
Fairview, Stannylands Road, Wilmslow	Unauthorised airport parking	Enforcement Notice	Notice being drafted
Rose Cottages, 51 Moss Lane, Styal	Unauthorised airport parking	Enforcement Notice	Notice being drafted
Newhall Farm, Stocks Lane, Over Peover	Unauthorised use of land for helicopter and erection of hanger with landing pad	Enforcement Notice	Notice being drafted
PSS Nursery, 9 Lees Lane, Newton, Macclesfield	Unauthorised change of use of land from nursery to garden centre with café and erection of associated buildings	Enforcement Notice	Notice being drafted
Land off Groby Road, Crewe	Unauthorised skip hire	Enforcement Notice	Lawful Use application for use of site for operation of skip hire (Ref P04/1614) was refused 31/03/05. Correspondence from owner regarding the submission of a further Lawful Use application. In December 07 an appeal against the refusal of the lawful use application was received. Appeal Inquiry was scheduled for 23/09/08 but the appeal was withdrawn. An application for lawful use in respect of a smaller area of land has been received and is under consideration.
Plum Tree Moorings, Nantwich Road, Wrenbury Heath	Unauthorised change of use to permanent moorings and unauthorised engineering works – construction of retaining wall	Enforcement Notice	Appeal made against Notice. Appeal hearing held 28/06/08. Appeal dismissed and Notice upheld. 12 months given within which to comply with the Notice. Correspondence with the Planning Inspectorate for clarification on decision. Residential use has ceased. Ongoing negotiations with regards to an amended scheme for the retaining wall.
39 Welsh Row, Nantwich	Unauthorised alterations to a listed building	Enforcement Notice	Appeal made against Notice. Inspector dismissed Appeal and upheld Notice. 2 months given within which to comply with the Notice. Site visit on 20/12/07 shows Notice not complied with. Matter passed to Legal Services. Legal In dialogue with the owner. Date for compliance extended to 6 th February 2009. Notice has been complied with. CASE CLOSED

4 Bridge House Farm, Baddington Lane, Nantwich	Unauthorised extension	Enforcement Notice	Appeal lodged. Planning Inspector upheld the notice and extended the date for compliance to 23/02/08. Planning permission granted for a smaller extension to be implemented within 1 year therefore, applicant had until 07/03/09 to implement the permission. Permission now implemented. CASE CLOSED
Land off Waldrons Lane, Coppenhall, Crewe	Unauthorised engineering works – track and parking	Enforcement Notice	Planning application was refused; a 2 nd application was also refused. An appeal against the Enforcement Notice was part allowed (access track Chapel Lane and glass houses) and part dismissed mobile home and access track from Waldron Lane). Further visit required to check compliance.
Haycroft Farm, Peckforton Hall Lane, Spurstow	Unauthorised operational development and engineering works	Enforcement Notice	Appeal dismissed. The Enforcement Notice is not currently being complied with; however there has been a recent, positive, meeting with the owners' representative.
Land at Swallow Farm, Elton Lane, Winterley	Unauthorised siting of mobile home unit and wooden structure	Enforcement Notice	A Planning application has been submitted for residential occupation on site and the application refused in September 2009. Occupier has moved from the site. Notice complied with. CASE CLOSED
Oakhanger Equestrian Centre, Oakhanger	Unauthorised repairs/adaptations to motor vehicles	Enforcement Notice	Appeal lodged to be dealt with by written representation. Appeal dismissed and notice upheld. Further complaints regarding noise disturbance have been received although recent site visits have not revealed any evidence of the notice being breached. This remains under investigation.
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works and siting of 3 caravans	Temporary Stop Notice	Temporary Stop Notice expired
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Stop Notice	
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Enforcement Notice	Appeal upheld and planning permission granted subject to conditions. Conditions complied with. CASE CLOSED
153 Wistaston Road, Crewe	Construction of railings on single storey extension	Enforcement Notice	Notice Served 25/06/09. Notice took effect: 29/07/09. Notice partially complied with, subject to receipt of an application for the construction of first floor railings around roof of single storey extension. Site visit/re-assessment to be undertaken.
Land at Sunnyside Farm, Peckforton Hall Lane, Spurstow	Unauthorised formation of concrete base and erection of wooden stable thereon	Enforcement Notice	Notice issued and served 30/11/09. Notice took effect on 28/12/09. Three months given to remove stable and base and leveling and seeding of footprint to match immediately surrounding land. Notice complied with. CASE CLOSED.
New Start Park, Wettenhall Road, Poole	Unauthorised change of use from agricultural to a mixed use for agriculture and a caravan park.	2 x Temporary Stop Notices Enforcement Notice Drafted	Issued December 2009. Injunction issued December 2009 to prevent further caravans being brought onto the site. Planning application refused. Appeal lodged. Further planning application submitted. Enforcement Notice drafted and currently with Legal Services.
Horseshoe Farm, Warmingham Lane, Warmingham	Unauthorised change of use from keeping horses to a mixed	Enforcement Notice	The enforcement appeal was dismissed and planning permission granted with conditions, the conditions have not been complied with therefore the

	use for the keeping of horses/stationing of caravans/mobile homes and associated works and structures		expediency of further enforcement action in relation the breach of conditions is to be considered alongside the failure to meet the requirements of the enforcement notice in relation to land outside the red line of the application. However, a further planning application for an extension to the site previously permitted on appeal was submitted and refused. Negotiations ongoing with regards to submission of a further application for the site.
Oakotis Heath Road, Sandbach	Unauthorised stationing of caravans and unauthorised creation of hard standing.	Enforcement Notice	Enforcement Notices were issued against both breaches of planning control and the period for compliance has now lapsed. Further action is therefore now anticipated, this will take the form of prosecution in the Magistrates Court in the first instance a report has been prepared seeking the relevant authority in February 2009, in September additional information was requested via the Head of Planning and Policy, this was provided at the end of September, that report remains with the Head of Planning and Policy. One caravan, hardstanding and amenity building remain on site, further report produced seeking authority to prosecute along with witness statement, all currently with Legal Services. Summons issued by Court first hearing due in September.
Owls Hoot, Blackden Lane, Goostrey	Unauthorised erection of a dwelling, double garage and boundary wall, gate piers and gates.	Enforcement Notice	Separate Enforcement Notices have been issued in relation to the dwelling, garage and boundary walls each Notice requires demolition of the structure detailed. An appeal was lodged only that Notice which relates to the dwelling, the appeal was dismissed and the notice, which requires demolition of the dwelling, was due to be demolished by 23/11/09 the remaining Notices should also have been complied with. An application for a replacement dwelling approved. Officers in contact with site owners regarding demolition of existing unauthorised dwelling.
Ye Old Kings Arms, Congleton	Unauthorised works to a listed building	N/A	The property is a grade II listed building and the exterior of the premises has been painted without the necessary listed building consent, i.e. the plaster in fill panels and the timber. Criminal investigations were undertaken and three people were interviewed under caution. Appropriate remedial works to the building were explored to ensure the integrity of the building was not further compromised. A Listed Building Enforcement Notice was issued on 11/11/09. Notice has now been complied with. CASE CLOSED.
56 Crewe Road, Alsager	Take-away premises operating outside its permitted hours	Enforcement Notice	Appeal against the Enforcement Notice dismissed on 9 th June 2009. The Notice has not been complied with and a report was sent to the Director of Places on 24 September 2009 seeking authority to prosecute, confirmation of authority is still awaited at the time this report is being prepared. Evidence is now likely to be out of date, further investigation required to ascertain whether Notice is still being breached.
30 Lime Close, Sandbach	Unauthorised erection of a front dormer window	Enforcement Notice	The Notice was appealed and the appeal dismissed. The requirements of the Notice have not been met and a report is to be produced considering appropriate further action.
4 Model Cottages, Cranage	unauthorised change of use of residential premises to a mixed	Enforcement Notice	The Notice was appealed and the appeal was heard at a Public Inquiry in 2008. The appeal was dismissed, however, the appellant applied for judicial

	residential and commercial use		review, the appellant did not attend the hearing and leave to appeal was not granted. Owners and occupier of property successfully prosecuted for failure to comply with Notice. Further ad hoc visits will be carried out to ensure continued compliance with the Notice.
28 Kendal Court, Congleton	property which has been allowed to fall into a state of disrepair so much so that it is considered to have an adverse impact on the visual amenity of the area.	S215 Notice	A S215 (Untidy Site) Notice has been issued and was due for compliance by the end of February 2009. The requirements of the notice have not been met; the owner was convicted of failing to comply with the Notice in Crewe Magistrates Court. A further report is to be prepared considering the expediency of carrying out works in default.
4 Nidderdale Close, Congleton	Unauthorised raised decking	Enforcement Notice	Retrospective planning permission has been refused for raised decking and an enforcement notice has been issued. Appeals against both the refusal of planning permission and the enforcement notice were dismissed. The Notice has not been complied with in full however it is anticipated that a further application for amended scheme approved. CASE CLOSED
Land North of Pedley Lane, Timbersbrook	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 3007/10. Compliance due 30 March 2011.
School Farmhouse, Walnut Tree Lane, Bradwall	Unauthorised outbuilding in cartilage of listed building	Enforcement Notice	Planning permission refused, Notice drafted, amended retrospective application refused. Building allowed on appeal. CASE CLOSED
86 Crewe Road, Alsager	Non-compliance with hours of operation condition	Enforcement Notice	Enforcement Notice due for compliance mid December 09, further monitoring to take place to ascertain compliance.
Betchton Cottage Farm	Unauthorised change of use from agricultural land to use in association with a skip hire business and laying of hardcore	Enforcement Notice	Enforcement Notice drafted, refusal of planning permission appealed, appeal upheld and planning permission granted. CASE CLOSED
Beechcroft, Newcastle Road, Smallwood	Unauthorised change of use for residential property to a mixed residential and commercial use.	Enforcement Notice	Notice issued 05/02/10 and due for compliance 19/09/10.
Land at Corner of Twemlow Lane, Cranage	Unauthorised change of use of land from agricultural use to a mixed agricultural and domestic storage use.	Enforcement Notice	Notice drafted

Thimsworra, Dragons Lane, Moston	Unauthorised change of use of land from agricultural use to a mixed agricultural and residential use	Enforcement Notice	Notice drafted
Boundary Villa Farm, Boundary Lane, Congleton	Unauthorised change of use of use of agricultural land to residential garden	Enforcement Notice	Notice drafted
Oakleigh, Childs Lane, Brownlow	Unauthorised construction of an out building	Enforcement Notice	Notice Drafted
Boars Head Hotel, Middlewich	Unauthorised building	Enforcement Notice	Notice drafted
Silver Birches New Platt Lane, Cranage	Unauthorised felling of protected trees	Prosecution	Summons Issued initial court date 17 September 2010.
Land at Halith Cottage, Higher Poynton	Importation and Deposit of Waste	Enforcement Notice	Notice served. Appeal dismissed. Failure to comply with steps of Notice for removal of waste. Prosecution is being considered.
Whittakers Green Farm Composting Site, Hunsterston	Unauthorised waste transfer station	Enforcement Notice	Notice upheld at appeal. Currently awaiting notification of appeal to the High Court

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Table 2

Period covering 1st December 2009 – 14th August 2010.

Total Number of cases received	603
Cases closed	400
Site visits undertaken with Protocol Timescales	92%

Type of Notice	No. Issued
Planning Contravention Notice	20
Breach of Condition Notice	0
Enforcement Notice	2
Injunction	2
Temporary Stop Notice	2
Stop Notice	0
S215 (Untidy Site) Notice	0
Convictions	3

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LIST OF APPEALS DETERMINED

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/1421M	1-3 Brook Sreet, Macclesfield	Application To Vary The Hours Of Opening Of An A5 Hot Food Takeaway To 08.00 To 02.00 On Mondays To Thursdays, 08.00 To 04.00 On Fridays And Saturdays And 08.00 To 00.00 On Sundays	Delegated	n/a	Refused	Dismissed 14/11/2010
10/0374M	WILLOW BARN, KNUTSFORD ROAD, MOBBERLEY, WA16 7BE	CHANGE OF USE FROM AGRICULTURAL TO RECREATIONAL USE	Delegated	n/a	Refused	Dismissed 01/12/2010
10/0913M	LOWMEADE , 25 HOUGH LANE, WILMSLOW	Replacement Dwelling	Delegated	n/a	Refused	Allowed 09/12/2010
10/2682M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 09/12/2010
10/2758M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 21/12/2010
10/2874N	EATON HOUSE, SHEPPENHALL LANE, ASTON, CW5 8DE	Single Storey Bespoke Timber Framed Canopy to Rear of Property	Delegated	n/a	Refused	Dismissed 22/12/2010

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