

Southern Planning Committee

Agenda

Date: Wednesday, 3rd August, 2011
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

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 - 12)

To approve the minutes of the meeting held on 13 July 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 individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/1559N 2, Brookview Close, Wistaston CW2 6WB: Side Two Storey Extension for Mr L Heath** (Pages 13 - 18)

To consider the above planning application.

6. **11/1030N 6, Oak Villas, Nantwich Road, Wrenbury CW5 8EL: Outline Application for New Dwelling for Mr P Probin** (Pages 19 - 26)

To consider the above planning application.

7. **11/1722C Gwenstan, 14, Smithfield Lane, Sandbach, Cheshire CW11 4JA: Demolition of Existing House and Erection of 5no Two Storey Houses for Mr S Bourne, Brighthouse Homes (Sandbach) Limited** (Pages 27 - 34)

To consider the above planning application.

8. **11/1484C Land Off Windsor Place, Congleton: Construction of 14 Dwellings, Widening of Windsor Place and Demolition of Group of Domestic Outbuildings/Garages for Allied Homes (Cheshire) Ltd** (Pages 35 - 44)

To consider the above planning application.

9. **11/0861C Land Off Canal Road, Congleton: Erection of 17 Dwellings, Associated Work and Vehicular Access and Single Garage for Canal Villa for Wainhome Developments** (Pages 45 - 58)

To consider the above planning application.

10. **10/4924N The Rookery, 125, Hospital Street, Nantwich, CW5 5RU: Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished). Two Garages with Stores in One Separate Building and New Porch on North Elevation of the Rookery Building for Mr P Field, Rockermans Furniture** (Pages 59 - 70)

To consider the above planning application.

11. **10/4928N The Rookery, 125, Hospital Street, Nantwich CW5 5RU: Listed Building Consent for Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished). Two Garages with Stores in One Separate Building and New Porch on North Elevation of the Rookery Building for Mr P Field, Rockermans Furniture (Pages 71 - 76)**

To consider the above planning application.

12. **10/4925N The Rookery, 125, Hospital Street, Nantwich CW5 5RU: Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). Two Garages with Stores in One Separate Building for Rockermans Furniture (Pages 77 - 88)**

To consider the above planning application.

13. **10/4929N The Rookery, 125, Hospital Street, Nantwich CW5 5RU: Listed Building Consent for Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). Two Garages with Stores in One Separate Building for Rockermans Furniture (Pages 89 - 94)**

To consider the above planning application.

14. **11/0358N New Farm, Long Lane, Wettenhall CW7 4DW: Extension to Existing Caravan Park to Provide 10 Seasonal Pitches and 13 Tourist Pitches (23 Total) for Mr M Rowland (Pages 95 - 104)**

To consider the above planning application.

15. **11/0573N Land adjacent, Minshull Lane, Church Minshull CW5 6DX: The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding for Mr Ian Hocknell (Pages 105 - 120)**

To consider the above planning application.

16. **11/1498C Ivanhoe, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Demolition of Existing Buildings and Redevelopment of the Site for 11 Dwellings (Including 3 Affordable Units) with Associated Landscaping and Access Improvements for Cranford Estates Ltd (Pages 121 - 136)**

To consider the above planning application.

17. **11/1542C 131, Congleton Road North, Scholar Green ST7 3HA: Change of Use From Garage/Shop, Workshop/ Car Sales and Dormer Bungalow to Warehouse/Showroom/Retail/Tradecounter and 4 Employment Units for Mr K Oliver, Wharf Plumbing and Heating Supplies (Pages 137 - 144)**

To consider the above planning application.

18. **11/1662C Land Off Alexandria Way, Congleton Business Park, Congleton CW12 1LB: Erection of 1 No. 3 Storey Extension to Gladman House and 9 No. 2 Storey Detached Offices. Plus Associated Parking, Bin Stores, Air Conditioning Units and Services for Mr Kevin Edwards, Gladman Developments** (Pages 145 - 150)

To consider the above planning application.

19. **11/2001N 10, Glendale Close, Wistaston CW2 8QE: First Floor Extension over Existing Garage to Side of Dwelling for Mr J Baker** (Pages 151 - 156)

To consider the above planning application.

20. **11/2018C Saxon Cross, Holmes Chapel Road, Sandbach CW11 1SE: Demolition Of Existing Hotel On The Site. Change Of Use From A Category C1 Development To A Mixed Use Of Category B1 And B8. Construction Of A Single-Storey Office Building And Warehouse Building. New Hard Landscaping Associated With The Proposed Development, Including Relocation Of Vehicular Access for Mr Jonathan Bolshaw, Bolshaw Industrial Powders** (Pages 157 - 168)

To consider the above planning application.

21. **11/2069C 36, Pikemere Road, Alsager, Stoke On Trent, Cheshire ST7 2SF: Two detached Houses with Garages for Mr David Teague** (Pages 169 - 174)

To consider the above planning application.

22. **Albany Mill, Congleton** (Pages 175 - 178)

To consider a proposed variation to the Section 106 Agreement attached to planning permission 06/1414/FUL.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 13th July, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, A Kolker, S McGrory,
D Marren, D Newton and M Sherratt

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill, S Hogben and M Simon

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)

Rachel Goddard (Senior Lawyer)

Neil Jones (Principal Development Officer, Environmental Services)

David Malcolm (Southern Area Manager – Development Management)

Apologies

Councillors M J Weatherill, M Jones, M A Martin, G Morris and A Thwaite

23 DECLARATIONS OF INTEREST

All Members of the Committee declared that they had received correspondence regarding application number 11/0319C.

Councillor J Clowes declared that she had called in application number 11/1359N, but that the officer's report did not accurately reflect the wording which she had used on the call-in form. She had not expressed an opinion and had not fettered her discretion.

Councillor D Marren declared a personal and prejudicial interest in respect of application number 11/1782N on the grounds that he lived in the proximity of the proposed development. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor S Davies declared that he had a personal and prejudicial interest in respect of application number 11/1030N on the grounds that he knew the applicant and objectors. Councillor Davies declared that he would address the Committee as Ward Councillor then withdraw from the meeting during consideration of this item, in accordance with the Code of Conduct.

Councillor S Davies declared that as a Member of the Public Rights of Way Committee he did not wish to fetter his discretion with respect to application number 11/1584N, and that he would not take part in the debate or vote during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application number 11/1051N on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed development, and she was Chairman of Nantwich Transport Group. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application number 11/0627C on the grounds that she knew the applicants. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application number 10/4373C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor L Gilbert declared a personal interest in respect of agenda item 16 (08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel) on the grounds that he was a member of Holmes Chapel 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.

Councillor D Brickhill, who was in attendance at the meeting, declared a personal interest in respect of application number 11/1782N on the grounds that he was a member of Shavington-cum-Gresty 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.

Councillor S Hogben, who was in attendance at the meeting, declared a personal interest in respect of application number 11/1782N on the grounds that he was a member of Shavington-cum-Gresty 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.

Councillor D Marren declared a personal interest in respect of application number 11/1051N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

24 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 22 June 2011 be approved as a correct record and signed by the Chairman.

25 11/1782N 90 CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE, CHESHIRE CW2 5DW: CHANGE USE OF SINGLE GARAGE INTO A SMALL DOG GROOMING SALON. NO EXTERNAL ALTERATIONS TO BE MADE. FOR MRS N KERR

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

Note: Councillor D Brickhill (Ward Councillor), Councillor S Hogben (on behalf of Shavington-cum-Gresty Parish Council), Mrs G McIntyre (objector) and Mrs N Kerr (applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. Temporary permission for 3 years
2. Approved plans
3. Hours of operations to be 9am until 6pm Mondays to Fridays and 9am until 2pm on Saturdays, not at all on Sundays or Bank Holidays
4. Details of noise attenuation to be submitted
5. Dog grooming to be restricted to detached garage only
6. Number of dogs per working day restricted to 10
7. No more than two dogs associated with the business on site at any one time
8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site
9. Surfacing materials for the new driveway to be permeable

26 11/0319C LAND REAR OF 33 TO 45 MILL GREEN, CONGLETON: ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING FOR MCCARTHY AND STONE RETIREMENT LIFESTYLES

Note: Mr J Bednal (Mill Green No 2 Management Board), Mrs C Speakman (objector), Mr A Thorley (supporter) and Mr C Butt (Agent 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, a written update, 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, subject to no adverse comments being received from the Environment Agency with respect to the Sequential Test submitted by the applicant.

Approval to be subject to the prior completion of a Section 106 agreement to secure the provision of a commuted sum in lieu of affordable housing provision on site (£153,091), to be ringfenced for the Congleton town area,

and the following conditions:

1. Standard
2. Amended plans
3. Age restriction – over 55 years only
4. Submission of Materials
5. Submission of Landscaping
6. Implementation of Landscaping
7. Submission of Tree Protection
8. Implementation of Tree Protection
9. Submission of Arboricultural Method Statement
10. Provision of parking prior to occupation
11. Scheme of Drainage to be submitted and approved
12. No building over sewer
13. Submission of air quality impact assessment
14. Submission of air assessment of traffic noise and vibration
15. The hours of construction to 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.
16. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved to be approved
17. Development to proceed in accordance with the recommendations made in the submitted bats and water vole/otter reports to protect valued wildlife and the River Dane corridor.
18. A detailed method statement covering the implementation of said recommendations to be submitted to the Council for approval prior to commencement of works.

27 11/1498C IVANHOE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR 11 DWELLINGS (INCLUDING 3 AFFORDABLE UNITS) WITH ASSOCIATED LANDSCAPING AND ACCESS IMPROVEMENTS FOR CRANFORD ESTATES LTD

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

RESOLVED – That the application be DEFERRED to enable officers to produce a comprehensive report, to include additional representations and outstanding consultee comments, for consideration at a future meeting.

28 11/0627C SMALLWOOD STORAGE LTD, MOSS END FARM, MOSS END LANE, SMALLWOOD, SANDBACH, CW11 2XQ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 15 DWELLINGS AND ASSOCIATED INFRASTRUCTURE WORKS FOR SMALLWOOD STORAGE LTD

Note: Mr S Goodwin (Agent 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 and an oral report of the site inspection.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE, subject to no objection being received from the Greenspaces Officer.

Approval to be subject to the prior completion of a Section 106 agreement to secure £239,400 towards affordable housing provision in the Congleton Rural area

and the following conditions:

1. Standard time limit
2. Reserved Matters time limit
3. Reserved Matters (scale, appearance, landscaping)
4. Plans (& Scale Parameters)
5. Materials
6. Landscaping
7. Implementation of Landscaping
8. Boundary Treatment
9. Tree Protection Measures & Arboricultural Method Statement.
10. Implementation of Tree Protection
11. Removal of Permitted Development Rights
12. Contaminated Land Condition
13. Construction of Access.
14. Provision of parking

15. Development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. Details of piling to be submitted
16. Timing of works to avoid bird nesting season
17. Provision of bat roost
18. method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report
19. Accommodation of the public footpath.
20. Submission of scheme to limit the surface water run-off generated by the proposed development,
21. .The discharge of surface water from the proposed development to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
22. Provision of SUDS
23. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
24. site layout is to be designed to contain any such flooding within the site,
25. Submission of a scheme to treat and remove suspended solids from surface water run-off during construction works
26. Submission of a scheme to dispose of foul drainage
27. No commencement of development until Smallwood Storage has relocated within the Borough.

29 11/1051N LAND AT MIDDLEWICH ROAD, NANTWICH: PROVISION OF GREENWAY FROM CREWE TO NANTWICH, SECTIONS FROM WISTASTON GREEN ROAD TO A51/NANTWICH BYPASS INCLUDING A 3M WIDE SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING AND LANDSCAPING WORKS FOR CHESHIRE EAST COUNCIL

Note: Councillor M Simon (Ward Councillor) and Councillor G Roberts (on behalf of Wistaston Parish Council) 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 application be APPROVED subject to the following conditions:

1. Commencement of Development
2. Plans
3. Details of surfacing materials to be submitted and approved
4. Scheme of Landscaping to be submitted and approved – including fencing
5. Scheme of Landscaping to be implemented

6. Details of highway safety measures/signage to be submitted and approved
7. Survey to be submitted and approved if works carried out between 1st March and 31st August
8. Road safety measures in accordance with submitted plan

30 10/4373C TOP YARD, STATION ROAD, SANDBACH: CONSTRUCTION OF EIGHT LIGHT INDUSTRIAL UNITS FOR MR R BETTLEY

Note: Prior to consideration of this application, the meeting was adjourned from 4.15pm to 4.25pm for a break.

The Committee considered a report regarding the above planning application.

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

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. No External Storage
6. Landscaping Submitted
7. Landscaping Implemented
8. Drainage
9. External Lighting
10. Hours of Construction
11. Use Class B1 Only
12. Hours of Operation
13. Noise Assessment
14. Pile Driving
15. Bin Storage
16. Boundary Treatment
17. Access
18. Cycle Parking
19. Car parking provision to be implemented prior to occupation of the units

31 11/1030N 6, OAK VILLAS, NANTWICH ROAD, WRENBURY, CW5 8EL: OUTLINE APPLICATION FOR NEW DWELLING FOR MR P PROBIN

Note: Having declared a personal and prejudicial interest in this application, Councillor S Davies addressed the Committee as Ward Councillor then withdrew from the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

32 11/1359N 8, CHIDLOW CLOSE, HOUGH, CW2 5RE: TWO STOREY SIDE EXTENSION, GROUND FLOOR GARAGE AND UTILITY, FIRST FLOOR BED WITH ENSUITE AND THE EXISTING GARAGE TO BE CONVERTED TO PLAYROOM/STORE AND SINGLE STOREY REAR EXTENSION FOR MR E POTTS

Note: Councillor S McGrory left the meeting prior to consideration of this application.

Note: Councillor G Bennion (on behalf of Hough & Chorlton Parish Council) and Mrs M Wise (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 Principal Planning Officer.

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

The proposed development, by virtue of its scale and massing, will have an adverse impact on the character of the area and the street scene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

33 11/1559N 2, BROOKVIEW CLOSE, WISTASTON, CW2 6WB: SIDE TWO STOREY EXTENSION FOR MR L HEATH

Note: Councillor D Marren declared a personal interest in respect of the above application on the grounds that he knew one of the speakers. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Note: Councillor S Hogben (Ward Councillor) and Mr B Cooper (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

34 11/1584N OAKHANGER HALL FARM, TAYLORS LANE, OAKHANGER CW1 5XD: EXCAVATION OF A NEW CLAY LINED SLURRY LAGOON FOR D & S C SUTTON

Note: Councillor M Sherratt left the meeting prior to consideration of this application.

Note: Having declared that, as a Member of the Public Rights of Way Committee he did not wish to fetter his discretion, Councillor S Davies did not take part in the debate or vote during consideration of this item.

The Committee considered a report regarding the above planning application.

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

1. Standard Time Limit
2. Plans
3. Boundary Treatment
4. Landscaping Submitted
5. Landscaping Implemented
6. Slurry shall only be used for the storage of slurry and dirty water from Oakhanger Hall Farm and no other location and for no other purpose.
7. Hours of Construction restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
8. Wheel Washing

Informative: No blockage of the public right of way.

35 11/1683N UNIT DC 360, FOURTH AVENUE, CREWE: SOLAR PANELS TO BE AFFIXED TO THE ROOF OF AN EXISTING WAREHOUSE UNIT FOR MR A FORNAL, JUWI RENEWABLE ENERGIES LIMITED

The Committee considered a report regarding the above planning application.

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

1. Standard Time Limit
2. Plan References
3. Materials as Submitted

36 08/0492/OUT FINE ART, VICTORIA MILLS, HOLMES CHAPEL

The Committee considered a report regarding the above planning application, which had been approved by Congleton Borough Council's

Planning Committee on 3 February 2009, subject to the signing of a Section 106 agreement.

At its meeting on 27 April 2011, the Southern Planning Committee had considered a report recommending refusal of the application due to the applicant's failure to sign the Section 106 Agreement and had resolved to defer consideration of the matter in order to allow a further opportunity for the issue to be resolved.

Since the meeting on 27 April 2011, substantial progress had been made. However, it had become apparent that a number of minor modifications to the resolution and the proposed Section 106 Agreement were required.

RESOLVED

- (a) That the application be approved, subject to the conditions specified within the original committee report dated 3 February 2009 and subject to the prior signing of a S106 Agreement to cover the following matters:
- Secure provision of 15% Affordable Housing / not less than 24 units for Intermediate housing. Intermediate housing to include provision of 'Shared Ownership' and 'Rent to Home Buy' but with an option for 'Discount for Sale' where agreed if the units cannot be sold to a registered social landlord.
 - Development not to commence until such time as Fine Art has relocated to alternative premises with the borough of Cheshire East.
 - Requires the applicants to submit a Travel Plan and implement the approved Travel Plan in accordance with the agreed triggers and mechanisms.
 - Secure a financial contribution of £25,000 to fund off-site highway improvements and works to upgrade bus services and bus stops as required by the Travel Plan.
 - To cover the range of scenarios in respect of Children and Young Persons Provision identified in summary within this update report.
- (b) That if the Section 106 Agreement is not signed within three months of this decision by the Southern Planning Committee, then the Head of Planning and Housing be granted delegated authority to refuse the application for the reasons specified within the report considered by the Committee on 27 April 2011.

37 PLANNING FOR GROWTH AND THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

The Committee considered a report regarding recent ministerial announcements with respect to growth and sustainable development.

RESOLVED – That the report be noted.

The meeting commenced at 2.00 pm and concluded at 5.50 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 11/1559N
Location: 2, BROOKVIEW CLOSE, WISTASTON, CW2 6WB
Proposal: Side Two Storey Extension
Applicant: MR L HEATH
Expiry Date: 21-Jun-2011

Date Report Prepared: 30th June 2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Impact on residential amenity
- Impact on streetscene

REASON FOR REPORT

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

"The proposed extension would over dominate the property across the road, 4 Brookview Close, the proposal fails to respect the design and form of the existing houses."

This application has been deferred from the previous meeting to allow for a Committee site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site is situated along the residential cul-de-sac of Brookview Close, Wistaston within the settlement boundary for Crewe.

The principle elevation of the application dwelling faces to the west and overlooks a field, as does the side elevation to the north. The southern side elevation faces the side elevation of the neighbouring 1 Brookview Close. The rear elevation of the application dwelling faces 3 neighbouring dwellings, 3, 4 and 5 Brookview Close.

DETAILS OF PROPOSAL

The proposed development is to construct a two storey side extension to the north elevation on the site of the existing conservatory. It will project from the existing side elevation by 3.5 metres, with a width of 5 metres and a roof ridge height of 7.2 metres.

It is proposed that the north elevation will have a set of patio doors to the first floor and a set to the first floor with a Juliet balcony. The front elevation will be blank, while the side elevation (east) will have 2 windows to the first floor.

RELEVANT HISTORY

P03/1182 – Conservatory - approved with conditions 2003

P98/0450 – Outline for 6 dwellings - approved with conditions 1998

POLICIES

Regional Spatial Strategy

Crewe and Nantwich Local Plan Policy

Crewe Settlement Boundary

BE.1 – Amenity

BE.2 – Design Standards

RES.11 - Improvements and Alterations to Existing Dwellings

Other Material Considerations

Supplementary Planning Document – Extensions and Householder Development

CONSULTATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

None received at time of writing report

OTHER REPRESENTATIONS

1 letter of representation has been received from the occupier of the neighbouring 4 Brookview Close which makes the following points:

- Proposal does not respect the existing dwelling resulting in over domination and overshadowing.
- The proposal is less than 13.5 metres from neighbouring principle windows, is not 'set back' from the gable fronting the cul-de-sac and does not appear sub-ordinate to the original dwelling, as per the Supplementary Planning Document adopted July 2008'.

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The proposal is for a 2 storey side extension to a dwelling within the settlement boundary for Crewe which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties. The main points of this application are the effect upon neighbouring dwellings and the streetscene as a whole.

Design

Guidance concerning proposed side extensions is given within paragraph 3.12 of the SPD which states that:

“Side extensions should be set back from the front elevation of the existing house in order to appear subordinate and to disguise any variation on size, colour or texture of brickwork...”

The front elevation (west) of the proposed development is set back from the front elevation, furthermore the roof height of the propose development is lower than that of the existing. The proposed 2 storey side extension is considered to be subordinate to the existing dwelling and in accordance with the above advice.

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

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

Amenity

The north and west elevations of the proposal do not face neighbouring dwellings and look out onto areas of open space, therefore will not be an effect upon residential amenity from this perspective.

The east elevation of the proposed development faces the principal windows of the neighbouring 3 and 4 Brookview Close. This east elevation has 2 windows to the proposed first floor, 1 serving a bathroom and 1 serving a robe room. Neither of these windows are considered to be principal windows, furthermore the bathroom window is to be obscure glazed. Therefore paragraph 3.33 of the Supplementary Planning Document applies and states that:

“A distance of 13.5 metres should be maintained between the flank of a two or three storey extension and a principal window in a neighbouring dwelling. In this context a flank elevation would be one, which does not contain any principal windows...”

The distance between the flank of the proposed extension and the principal windows of number 4 is 13.5 metres, and between number 3 is a distance of 14.5 metres. Therefore the proposed extension meets requirements within the SPD. It is accepted that the proposed extension will be visible from the principal windows to the front elevation of numbers 3 and 4 Brookview Close. However, given that the required separation distances are met it is considered that the proposed development will not have a detrimental impact upon the amenity of neighbouring dwellings.

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

CONCLUSIONS

The proposed 2 storey side extension is acceptable and appropriate in terms of design and appearance and will not have a detrimental effect upon the streetscene or the host dwelling.

The distance requirements between flank elevations and neighbouring principal windows are met as per guidance given within the SPD. Overall it is considered that the proposed development will not have a significant enough effect upon neighbouring amenity to justify a refusal.

RECOMMENDATIONS

APPROVE subject to the following conditions:-

1. Standard time
2. Approved plans
3. Materials to match existing dwelling

REASON(S) FOR THE DECISION

The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy BE.2 (Design Standards). The proposal therefore complies with Policy BE.1 (Amenity), Policy BE.2 (Design Standards), and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, as well as guidance given within the SPD.



This page is intentionally left blank

Application No: 11/1030N
Location: 6, Oak Villas, NANTWICH ROAD, WRENBURY, CW5 8EL
Proposal: Outline Application for New Dwelling
Applicant: Mr P Probin
Expiry Date: 12-Jul-2011

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Impact on Streetscene/Open Countryside
- Impact on Amenity of adjacent properties
- Impact on highway safety

REASON FOR REFERRAL

This application has been deferred from the Southern Planning Committee of 13th July 2011 in order for Members to carry out a site inspection.

This application was to be determined under the Councils scheme of delegation. However the application has been called in by Cllr Davies on the grounds that “the proposed dwelling is too big for the plot and over-dominant on adjacent bungalow. Concern over highway safety as no footpath and straight onto a busy road. The existing access already causes problems and the creation of an additional access would cause further problems re congestion”.

DESCRIPTION OF SITE AND CONTEXT

The application site forms garden land to the side of an existing two storey semi-detached property in the settlement boundary for Wrenbury. The application site is between No.6 Oak Villas which is a two storey property and a detached bungalow know as The Nook, the properties on the opposite side of Nantwich Road are also detached bungalows. To the rear is agricultural land. There is a detached timber garage and a fuel store within the application site. Access to the site is from Nantwich Road to the south. The southern boundary is defined by a low hedgerow. There is a large tree towards the rear of the plot, there is also some coniferous vegetation adjacent to the detached garage.

DETAILS OF PROPOSAL

This is an outline planning application for the construction of a detached dwelling within the garden land of No.6 Oak Villas. All matters have been reserved. However details of the proposed siting, scale and access arrangements have been submitted to support the proposals. The proposed dwelling on the indicative layout is shown to have a footprint of 70sqm. The property is sited so that it is in line with the adjacent bungalow (The Nook), 12m from the public highway. The dwelling on the indicative layout would be sited 1m from the side boundaries. The Design and Access Statement identifies that the dwelling would replicate the footprint, size, mass, scale and materials of The Nook, but with accommodation within the roof space. It is proposed to widen the existing access to create a drive for each dwelling.

RELEVANT HISTORY

No Planning History

POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.6 Development on Potentially Contaminated Land
NE.17 Pollution Control
RES.4 Housing in Villages with Settlement Boundaries

National Policy

PPS1: Delivering Sustainable Development
PPS3: Housing

Other Material Considerations

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

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to details of external lighting to be submitted, construction hours and details of Contaminated Land remediation to be submitted if any unforeseen contamination is found.

United Utilities: No objection, site should be drained on a separate system with on foul drainage connected to foul sewer.

Strategic Highways Manager: The applicant will need to provide visibility splays for the new access. The highways authority would prefer a shared access to serve the existing and the proposed with the facilities for two vehicles at each property to enter and exit in a forward gear. Subject to visibility splays being agreed, there are no highways objections.

VIEWS OF THE PARISH COUNCIL

Objection on grounds of:

- Site is too narrow to accommodate development
- Parking for No.6 would be severely restricted
- New access created close to junction with Nantwich Road and Station Road where there are parked vehicles already. Parking problem is exacerbated during school and nursery opening/closing times
- Access to the bungalows on the opposite side of the road is already compromised and the increase in turning movements would cause further safety problems
- There would be overdomination problems for No. 6 from a 2 storey house and even a bungalow may cause problems for the rear windows of No 6 which has already been extended to the rear.
- The immediate open space behind No. 6 would receive very little light
- The Nook does not sit well in the street scene between the two storey development on either side and the introduction of another bungalow would do little to enhance the street scene

OTHER REPRESENTATIONS

Three letters of objection received from The Nook, 5 Oak Villas, and Clovelly, the salient points being:

- Too close to boundary fence (1m)
- Existing parking on road, high volume of cars and travelling at speed
- A further access would make highways situation worse
- Overlooking from accommodation in roof space
- Dormer windows to proposed dwelling would spoil appearance of The Nook
- Loss of light
- Loss of privacy
- Cramming development would be detrimental to area
- No visibility
- Reversing onto highway would create dangerous situation
- No footpaths – occupiers would have to walk on busy road
- Minimal amenity space – tree would overshadow amenity space and rear windows
- Tree is an important feature in area
- Capabilities of infrastructure to support another dwelling should be explored

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement submitted, the salient points being:

- Traditional single storey bungalow with accommodation in roof space
- Land forms side garden of No.6
- Size of proposed plot would be comparable to neighbour
- Set back in plot by 12m
- 1m from side boundary
- Frontage would align with The Nook
- There are no windows serving habitable rooms in the side elevation of The Nook and the only windows to No.6 are secondary
- Siting prevents detrimental impact on the amenity of The Nook and maintains integrity of the streetscene.
- Any first floor windows would be constrained to the front and rear elevations
- Entrance can be altered with relative ease
- Widen existing drive and access to create a drive for each dwelling. This would be in keeping with existing arrangements and would be the same width as the driveway openings opposite
- Proposals would essentially mirror the footprint, size, mass, scale and materials of The Nook
- Effect of the development is set into the streetscene and would appear as a small scale development of two dwellings flanked by two storey development on right and left. Would not appear as infill
- Would have a similar ridge height to The Nook and would be significantly lower than No.6
- Local vernacular and character would be maintained
- Mature tree to rear would be retained and would be approximately 7m from its canopy
- Removal of evergreen shrubs would not be detrimental to character of area
- Garden for No.6 will be reduced however 160sqm of garden space would be retained for both dwellings in excess of amount stipulated in SPD

OFFICER APPRAISAL

Principle of Development

The proposed development is for the construction of a single dwelling within the Settlement Boundary for Bunbury. Policy RES.4 (Housing in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 states that within the settlement boundary for Wrenbury development for housing of a scale commensurate with the character of the village will be permitted. It is considered that the development of a single dwelling would be of a scale commensurate with the village and is therefore acceptable in principle. The main issues therefore are whether the proposed development is of an appropriate design (BE.2), would not result in demonstrable harm on the amenities of neighbouring properties (BE.1), and whether the site can be satisfactorily accessed (BE.3).

Design and Impact on Character and Appearance of the Streetscene

The application is in outline with all matters reserved, therefore precise details of the scale of development, its siting and appearance are not for consideration. Notwithstanding this, an indicative layout has been submitted to demonstrate that the proposed development could be accommodated on the site. The application site has a plot width of 9m with the proposed dwelling having a width of 7m. The adjacent property has a plot width of between 11m and 10m with the

dwelling width of 7m. The proposed dwelling, as shown on the indicative plan would be of similar dimensions to the adjacent bungalow. The proposed dwelling would be sited 1m to either shared boundary which could represent a cramped form of development. Notwithstanding this, the layout is indicative and therefore could be subject to change, a development which would be sited slightly further from one or both of these boundaries would sit more comfortably and could be secured at reserved matters stage. This would ensure that there would be appropriate visual separation between dwellings which is required by the SPD for Garden Development.

As previously mentioned the application plot would be 9m in width which would not appear to dissimilar to that of The Nook. The resultant plot size of No.6 Oak Villas would be approximately 6.4m in width, the plot widths of No.1-5 Oak Villas vary between 5.8 and 8.1m in width. The proposed remaining plot for No.6 would therefore respect the context of adjacent properties.

The dwelling would be set back from the roadside boundary by 12m and, although being set back by 7.5m from No.6 Oak Villas, would follow the building line of The Nook and the properties to the east. The siting of the dwelling within the plot is therefore considered to be appropriate in terms of impact on the character and appearance of the streetscene.

It is also indicated that the proposed dwelling would be single storey (with accommodation within the roofspace). The dwelling is sited between a two storey semi detached property and a detached bungalow of modest scale. It is considered that a dwelling of a similar scale to the existing bungalow (The Nook) would not result in a form of development which would be significantly out of character with the area or cause demonstrable harm to the streetscene. The scale of the dwelling could be restricted by condition. A dwelling which was two storey would likely result in harm to the amenities of neighbouring properties.

It is considered therefore that the proposed indicative siting of a bungalow would respect the characteristics of the immediate surroundings whilst avoiding undue harm to the streetscene. .

Impact on the Amenity of adjacent properties

The proposed dwelling would be sited adjacent to The Nook, the indicative layout shows that the proposal would be 2.4m from the flank elevation of this property. With the exception of a side door there are no openings to habitable rooms within the side elevation of this property. The dwelling would project slight to the rear of the rear building line of that property but there would be no breach of any 45 degree standard. As the proposed single storey bungalow would be sited immediately to the side of that property, which has no principal windows in its flank elevation, there would be no significant loss of daylight, loss of privacy or overbearing impact on that dwelling.

The proposed dwelling would be sited 7.5m back from the front building line of No.6 Oak Villas. There is a ground floor lounge window within the rear elevation of the dwelling, however there is a south facing window serving the same room which would receive much more light, there would therefore be no loss of daylight to that room. This rear window would also face over the rear amenity space of No.6 and with appropriate boundary treatment would not result in any significant loss of privacy to the proposed dwelling. Within the single storey outrigger of No.6 is the kitchen. The kitchen has a side facing window which would face towards the proposed boundary between the properties at a distance of 3.4m, there is however a further window within the rear elevation faces over the private amenity space. Given the level of openings in the kitchen, the single storey

scale of the proposed development and with appropriate boundary treatment it is considered that there would be no detrimental impact on the amenities of No.6 through loss of daylight or loss of privacy.

The dwelling is shown to be sited 1m from the new boundary between existing and proposed. There are single storey extensions and outbuildings to the rear of No.6 and between these and the proposed dwelling would be part of the private amenity space. The proposed dwelling would be single storey in scale but has the potential to cause an overbearing impact. The majority of the useable private amenity space of No.6 is further to the rear and would not be affected by the proposal. Furthermore, as mentioned previously this application is in outline with all matters reserved and the layout would be subject to change, and to get a less crammed form of development it is considered that the proposed dwelling could be moved slightly from this shared boundary, by an additional 1m to lessen the impact. It is therefore considered that the proposed development would not result in a significantly detrimental impact on the amenity of No.6 through overbearing to justify a refusal.

The resultant private amenity space for both properties would be very similar to those properties surrounding the site and would exceed the minimum threshold of 50sqm identified within the SPD. There is however a mature tree within the rear garden for the proposed dwelling which would overshadow a large area of the private amenity space for the proposed garden. The submitted drawings indicate that the rear of the proposed dwelling would be 6.539m from the spread of the tree which although not desirable would not be sufficient to justify a refusal. There may be future pressure for the removal of the tree on amenity grounds. Whilst the tree is visible from public vantage points immediately to the front of the site it is not a prominent feature from wider view public view points.

With regard to potential overlooking and privacy issues it is considered that this can be designed out at the reserved matters stage with proposal avoiding principal windows to the side of the property, and with any first floor openings facing towards the front or rear.

Impact on Highway Safety

The indicative proposals show that the site will be accessed from Nantwich Road via a shared point of access with No.6 but with two separate driveways. The frontage of the proposed dwelling would be at least 8.5m in width at a depth of 12m. It is considered that there would be sufficient space within the front curtilage of the proposed dwelling for turning, manoeuvring and the parking of at least two off street parking spaces. Therefore it is considered that vehicles could enter and exit the site in a forward gear. Notwithstanding this, consideration needs to be given to the resultant parking arrangements for the existing dwelling No.6 Oak Villas. The Highways Authority have stated that a shared access would be more appropriate. This could be achieved within the available frontage. The Strategic Highways Manager has also requested that details of visibility splays be provided, but raises no objection to the proposed development in principle. This planning application is in outline only with means of access reserved. It is considered from the indicative scheme that a suitable means of access for both dwellings could be secured. Whilst the objections raised from the Parish Council and neighbours relating to on street parking and proximity to junctions are noted, no objection has been raised by the Strategic Highways Manager on these matters.

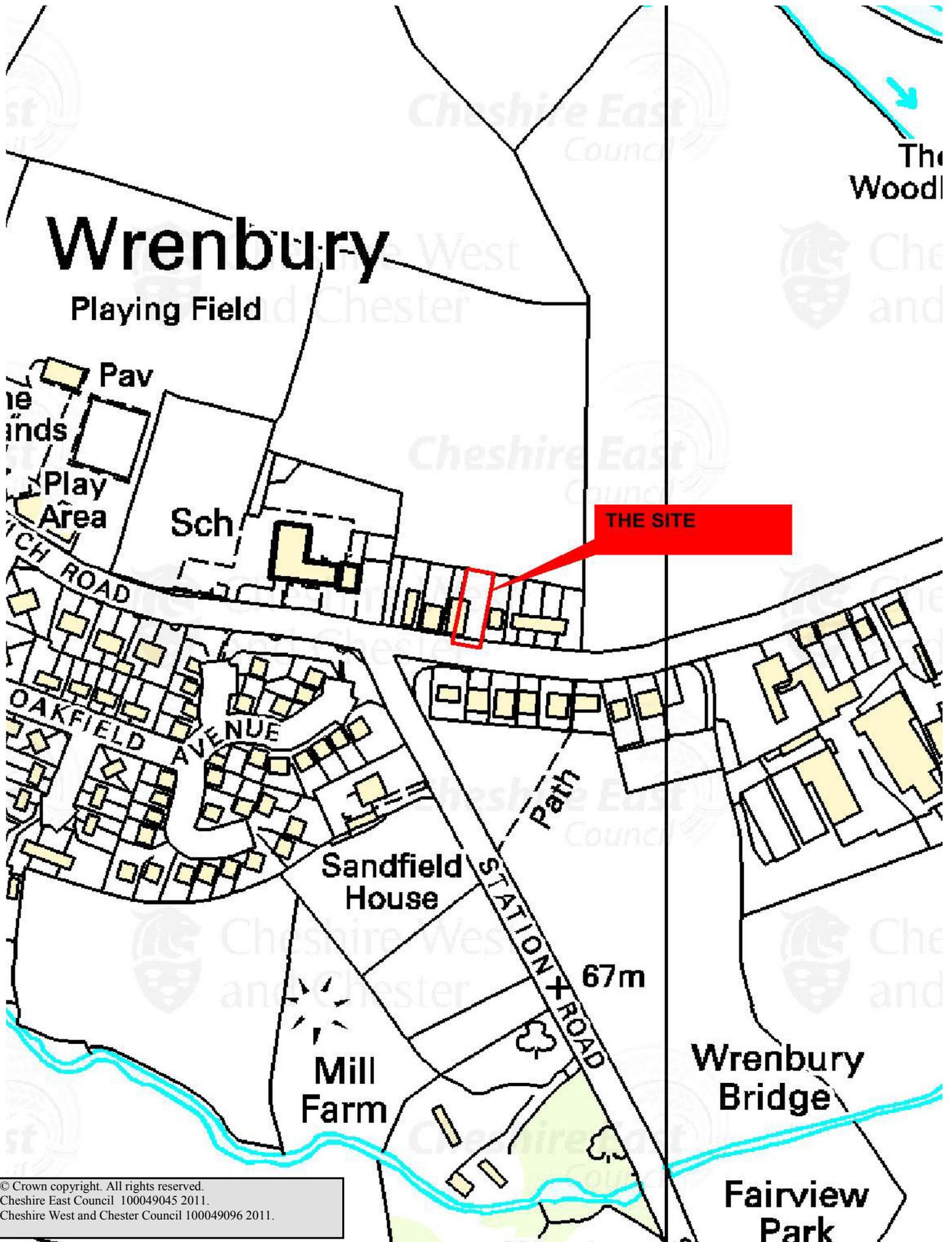
CONCLUSIONS

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 (2208).

RECOMMENDATIONS

APPROVE subject to the following 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) Reserved Matters Design to show no windows to habitable rooms in side elevations**
- 11) Bin Storage to be provided**
- 12) Hours of Construction - 08:00 to 18:00 Mon to Fri, 09:00 to 14:00 Sat, not at all on Sunday or BH**
- 13) Removal of all PD**
- 14) Any windows in roof space to be within front or rear elevations**
- 15) Bungalow only**
- 16) Dwelling to be sited no closer than 12m to front boundary**
- 17) Access to be a shared access for No.6 and proposed dwelling**
- 18) Details of access to be submitted**
- 19) Dwelling shall be sited at least 1.5m from boundary with No.6 Oak Villas**



© Crown copyright. All rights reserved.
Cheshire East Council 100049045 2011.
Cheshire West and Chester Council 100049096 2011.

Application No: 11/1722C
Location: Gwenstan, 14, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA
Proposal: Demolition of Existing House and Erection of 5no Two Storey Houses
Applicant: Mr S Bourne, Brighthouse Homes (Sandbach) Limited
Expiry Date: 12-Jul-2011

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

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

REASON FOR REFERRAL

Called in by Councillor S Corcoran on the grounds of the height of the dwellings and the development not being in keeping with the surrounding area, and loss of privacy and amenity to neighbouring properties.

DESCRIPTION AND SITE CONTEXT

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

DETAILS OF PROPOSAL

The proposal is for five dwellings, four to the rear of the site and one facing onto Smithfield Lane.

Plot 1 would be a four bed detached property facing onto Smithfield Lane. Plots 2 to 5 comprise two pairs of semi-detached dwellings linked by a pair of garages in the centre. All 5 dwellings would have two storeys.

RELEVANT HISTORY

09/3069C 2009 Refusal for the erection of 7 dwellings

10/1179C 2010 Refusal for the erection of 7 dwellings (Appeal dismissed)

POLICIES

National Guidance

PPS3 – Housing

Regional Spatial Strategy

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

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

Congleton Local Plan 2005

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPG2 –Private Open Space

Other Material Considerations

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*

- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS

Environmental Health:

Recommend conditions relating to contaminated land and hours of construction and piling.

Highways:

The Strategic Highways Manager has no objections subject to conditions requiring a detailed design and construction specification for the proposed access, for the access to the site to be substantially completed before other construction works begin and fully completed prior to the first occupation of the dwellings.

United Utilities:

No objection, subject to the site being drained on a separate system with only foul drainage connected into the foul sewer.

VIEWS OF TOWN/PARISH COUNCIL

The proposed development is over-intensive for the site and uncharacteristic with the street scene. The number, scale and design will have an adverse impact on the locality and, as such, contravenes policies GR1, GR2, GR5 and GR6 of the Local Plan. Furthermore, as a development on a garden site, the proposal is contrary to PPS3.

OTHER REPRESENTATIONS

27 representations have been received relating to this proposal one in support and 26 expressing concern over the following issues:

- Highway safety
- Increase in traffic movements
- Drainage
- Loss of light
- Loss of privacy

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

The letter of support states that the proposal would be an improvement to the current situation and a 'sensible utilisation of a very large plot'.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Sandbach where there is a general presumption in favour of development provided that it is in keeping with the scale and character of the town.

On 9th June 2010 the Coalition Government amended PPS3. As a result garden land is now classed as Greenfield rather than Brownfield land. Nevertheless the application site is situated within the settlement zone line of Sandbach as defined on the adopted Local Plan where there is a general presumption in favour of new development as indicated by policy PS4 of that Plan, which also does not have a saved policy relating to backland development.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within Sandbach and the Borough generally.

Highways

Several of the objectors have expressed concerns relating to highway safety, traffic generation and parking provision. It is noted however that the Strategic Highways Manager has not objected to the proposal, subject to conditions being imposed. These conditions would ensure that detailed drawings of the access should be approved prior to the commencement of development, the access must be substantially constructed prior to the construction of the dwellings and the access must be completed prior to the occupation of the dwellings. In addition the Inspector that determined the previous appeal concluded that a

development of seven houses would not have an adverse impact on highway safety. It is therefore considered that a refusal on the grounds of adverse impact on highway safety could not be sustained.

Design, Layout and Scale

The proposal is for five dwellings; four to the rear of the site and one facing onto Smithfield Lane. Access would be taken from Smithfield Lane, adjacent to number 16. A small area between the access road and number 16 is proposed for placing bins and recycling, this is not designed to be used to store the bins on a daily basis, it is only to be used on collection days.

Plot 1 would be a four bed dwelling with an integral garage. Whilst Plots 2 to 5 would be three bed properties, and unlike the previous proposals there would be no accommodation in the roof space.

Following the refusal and dismissal at appeal of the previous application, the amount of dwellings has been reduced by two and the access moved to alongside number 16. The subsequent design seeks to address the concerns of the Inspector about views from Smithfield Lane being harmed by the mass of the dwellings. The use of the linked garages seeks to break the massing up and give more open views within the site.

Having regard to design, there are a variety of property types within the vicinity of the site including two new dwellings at the end of Mill Row, that are situated on the southern boundary of the site. These are large detached dwellings with rooms in the roof. To the east Booth Avenue contains detached properties and Smithfield Lane comprises a mixture of bungalows and two storey properties.

It is considered that subject to a condition requiring the submission of external materials for written approval, the development would be in compliance with Policies GR1 and GR2 of the adopted local plan.

Impact on Existing Amenity Levels

Having regard to neighbouring amenity, the properties at the rear of the site would face the rear elevations on Booth Lane. All of four of these dwellings would be in excess of 21.3 metres away from the properties on Booth Avenue, which exceeds the requirements set out in SPG2 (Private Open Space). There would be no significant adverse impact on the amenities of the dwellings on the side boundaries of the site.

The dwelling proposed for Plot 1 would be adjacent to 12 Smithfield Lane, in a position similar to that of the existing bungalow. Given its size and siting, it is considered that there would be no significant adverse impacts on the residential amenities of this property.

Several of the objectors to the application have expressed concerns relating to loss of privacy. Whilst the development meets the requirements of SPG2 (Private Open Space), it is considered necessary to remove permitted development rights for extensions and alterations to the roof from plots 2 to 5, to ensure that there is no adverse impact on the amenities of neighbouring properties in the future.

Amenity Levels of Future Occupiers

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

As discussed above, the new dwellings would be sited in such a way as to meet the required separation distances set out in SPD2.

Landscaping

The site contains a number of trees and there are some lengths of hedge. The submission does not include a tree survey. Of the existing trees in the vicinity, two Oak trees in the north eastern corner (one off site, one in the site), are the most significant although due to their position they are not widely visible from the public domain. As a minimum the development as proposed would require the removal of some existing lengths of hedgerow and an Apple tree. The lengths of hedge and the tree which would be lost are not significant and subject to replacement planting this is considered to be acceptable.

Whilst a young and apparently healthy Oak is shown for retention in the garden of plot 2, it is considered that this tree could not reasonably be retained in the long term in this situation as it would completely dominate the garden. The loss of this tree would be regrettable. However it is not considered it to be so prominent to wider public view as to merit TPO protection. It is recommended that conditions be imposed relating to tree and hedge protection and landscaping.

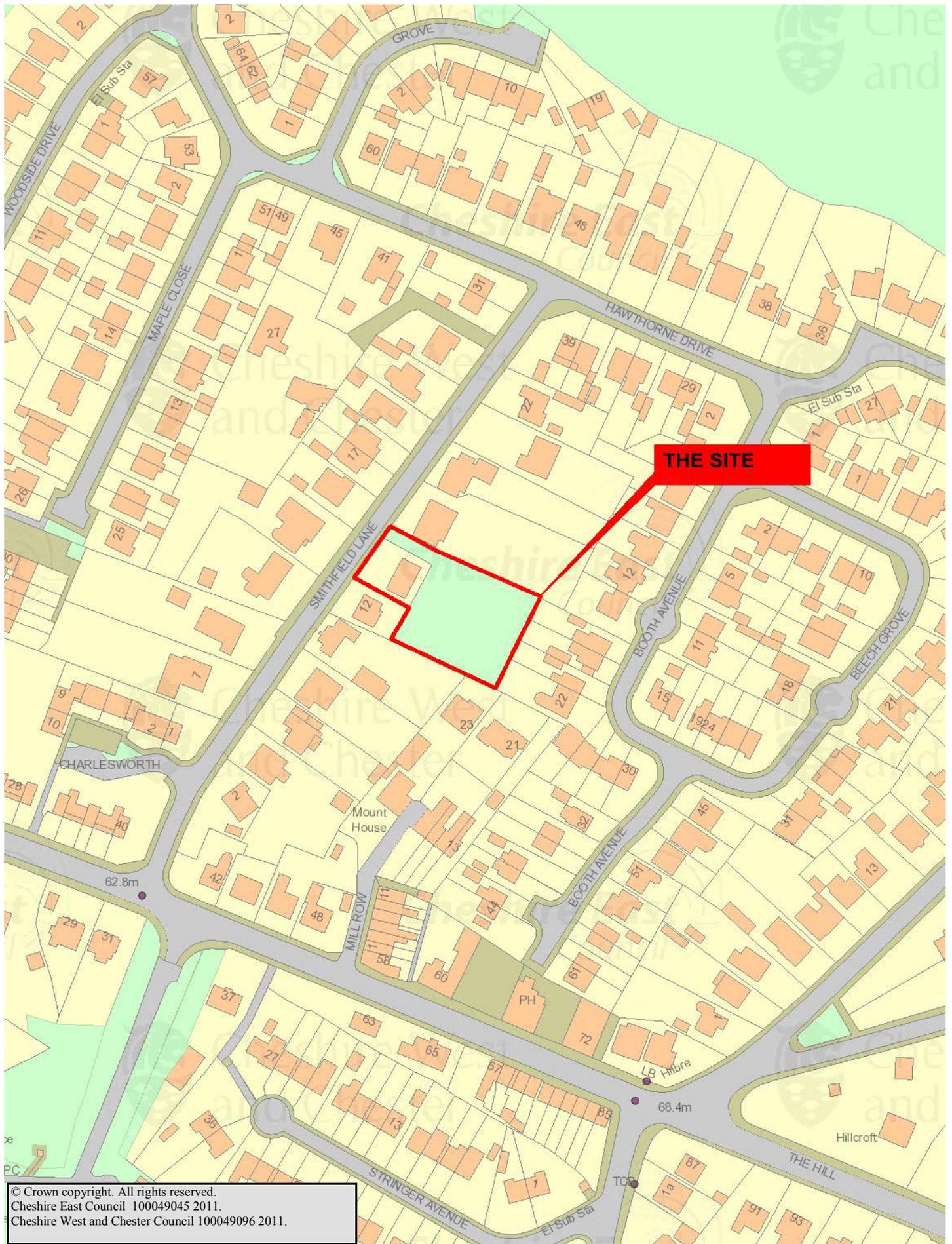
CONCLUSIONS AND REASONS FOR THE DECISION:

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

RECOMMENDATION:

Approve subject to the following conditions:

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



This page is intentionally left blank

Application No: 11/1484C

Location: LAND OFF WINDSOR PLACE, CONGLETON

Proposal: Construction of 14 Dwellings, Widening of Windsor Place and Demolition of Group of Domestic Outbuildings/Garages

Applicant: Allied Homes (Cheshire) Ltd

Expiry Date: 27-Jun-2011

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to financial contributions to offsite provision of public open space.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Protected Species
- Impact on the Conservation Area
- Public Open Space Contributions

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

DESCRIPTION AND SITE CONTEXT

The site is located within the settlement zone line of Congleton and is also partly within the Park Lane Conservation Area. The site comprises part of the rear gardens of several properties that front onto Park Lane, an area of open space, some garages and the carriageway on Windsor Place.

DETAILS OF PROPOSAL

This application is for the demolition of outbuildings and garages, the erection of 14 dwellings and the widening of the carriageway at Windsor Place in order to provide a suitable access to

the proposed dwellings. An area of public open space will be retained to the front of the site.

The dwellings would take the form of two blocks of four terraced properties to either side of a block of four 'back to back' dwellings and one pair of semi-detached properties would be sited adjacent to the proposed new access off Windsor Place. The terraced and semi-detached properties would be 2.5 storey with dormers and roof lights and the others 2 storey.

There would be a private parking court to the front of the dwellings, with an area of public open space forward of this.

RELEVANT HISTORY

36538/3	2003	Refusal for 11 dwellings
05/0481/FUL	2005	Withdrawn application for 7 dwellings
05/1085/FUL	2005	Refusal for 7 dwellings (Appeal dismissed)
08/0042/FUL	2008	Refusal for 12 dwellings

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

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
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
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:

PS4 Towns

H1 & H2 Provision of New Housing Development

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

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

OBSERVATIONS OF CONSULTEES

Environmental Protection:

Recommend conditions relating to land contamination and hours of construction and piling.

Environment Agency:

No objections.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer.

Strategic Highways Manager:

Significant pre-application discussion has taken place and this has involved both the internal layout and required improvements to Windsor Place and drainage issues. The developer is committed to providing the improvements to Windsor Place and there is sufficient highway land available for the improvement to be completed. These works will include identified works to third part points of access which are affected by the proposed works to Windsor Place. All of the highway works related to this development can be managed by Cheshire East Council Highway Authority under Section 38 of the Highways Act 1990.

Conditions are recommended requiring submission and approval of a detailed suite of plans for the improvement works to Windsor Place and completion of the widening of Windsor Place prior to first occupation of the dwellings.

Greenspaces:

There is a deficit of both amenity green space and play provision so both will be required. From the proposed site layout Drawing No.3565/04 Rev.D, dated February 2011 and based on 14 dwellings of 2 and 3 bedrooms contributions from the developer would be sought for Townsend Road Play Area and Amenity Green Space.

Amenity Green Space

Enhancement	£2,007.54
Maintenance	£4,493.50

Children & Young Persons

Enhancement	£3,479.66
Maintenance	£11,343.00

VIEWS OF TOWN/PARISH COUNCIL

No objections.

OTHER REPRESENTATIONS

Nine letters have been received relating to this application expressing the following concerns:

- Highway safety
- Impact on protected species
- Development should be sited on 'brownfield' land
- Loss of green spaces
- Loss of the garages on the site

- Disruption caused by construction traffic
- Garden grabbing
- Proposed houses are out of character with the area
- Increased car use
- Visual impact on the Conservation Area
- Impact on protected trees
- Impact on ecology
- Loss of public open space
- Drainage

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement zone line of Congleton where Policy PS4 states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

Highways and Parking

The proposal includes improvement works to enable the widening of the carriageway on Windsor Place and the Strategic Highways Manager is satisfied that these improvements can be achieved in order to provide satisfactory access to both the site and the existing properties on Windsor Place. Several of the objectors have expressed concerns about highway safety in relation to this application. However given the expert advice of the Strategic Highways Manager, it is not considered that a refusal on highway safety grounds could be justified.

Ecology - Protected Species & Nature Conservation

In broad terms the site has some nature conservation value in the local context, however none of the habitats present are particularly uncommon or are likely to be species rich. The site is however likely to support breeding birds, some of which, Bullfinch, Dunnock and Song Thrush, are Biodiversity Action Plan Priority Species and hence a material consideration. It is therefore considered necessary to impose conditions to safeguard breeding birds:

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. The nearest residential property to the proposals would be The Trees on Windsor Place, which would be set back 18m from the semi-detached dwelling on plot 1. There would be no principal windows facing that property, nor would there be any significant overshadowing.

There would be some overshadowing of garden space to the rear of the dwelling at the western end of the site, however it is not considered that this would be of such a detriment in order warrant refusal of the application.

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 and in compliance with Policy GR6.

Design and Layout

The proposal is for 14 dwellings in the form of two terraces of 4 dwellings, a central block of 4 dwellings and 1 pair of semi-detached dwellings.

The houses on plots 1 and 2, 3 to 6 and 11 to 14 (house types A and C) would have a ridge height of 10.5m and allude to the character of the properties that face onto Park Lane without attempting to copy and mimic them. They would have some presence and stature and would tend to carry along the smaller ones (house type B) which would not be as imposing. It will be important that good quality materials and details are secured by condition to ensure that the appearance of the buildings is acceptable.

Subject to suitable materials being secured by condition, the proposal is considered to be in compliance with Policies GR1 and GR2.

Landscaping and Trees

There are a number of trees both within and close to the boundary of the site. There are also lengths of formal hedging within the site and a prominent section of overgrown hedge to the north that forms the boundary with the area of public open space. Whilst trees within the site are not of particular significance, it is considered that the hedges and boundary trees contribute to the character of the Conservation Area.

There are a number of TPO trees located on land within the curtilage of the property to the west of the site. These trees overhang the application site.

Several trees within the site would require removal in order to accommodate the proposed development, however these are not considered to be of significant value. With regard to the trees that are identified as being retained, the layout respects the recommended root protection areas. The Red Oak on the western boundary does overhang the site and could cause some overshadowing to gardens, however it is not considered that this would be of such significance as to warrant refusal of the application.

The development would be highly visible from the area of public open space to the north of the site and it is recommended that a condition requiring a full landscaping scheme be submitted for approval in writing and then fully implemented, in order to ensure that the site is

adequately landscaped. Full details of boundary treatments should also be secured by condition.

Impact on the Conservation Area

The site is partly contained within the Park Lane Conservation Area and as such its impact on that is an important consideration in determining the application.

The part of the site within the Conservation Area predominantly comprises a series of back gardens, originally belonging to the frontage houses on Park Lane, but always separated from them by a small back access lane.

It is not considered that the development of this site would have a significant adverse impact on the character of the Conservation Area, provided that the general leafy character of the spaces is preserved. This view is backed by the specialist advice of the Councils Conservation Officer.

Public Open Space Contributions

The site will have a small area of public open space, however the Greenspaces Department of the Council states that there is a deficit of both amenity green space and play provision. As such they require contributions to offsite provision. The contributions required are detailed in the consultee response in the report and would total £21,323.70 for enhancement and maintenance of the Townsend Road play area and amenity green space.

Other Matters

Some concerns have been expressed about the loss of the garages to people who use them. However it is not for the Council however to control how these privately owned garages are used.

CONCLUSIONS

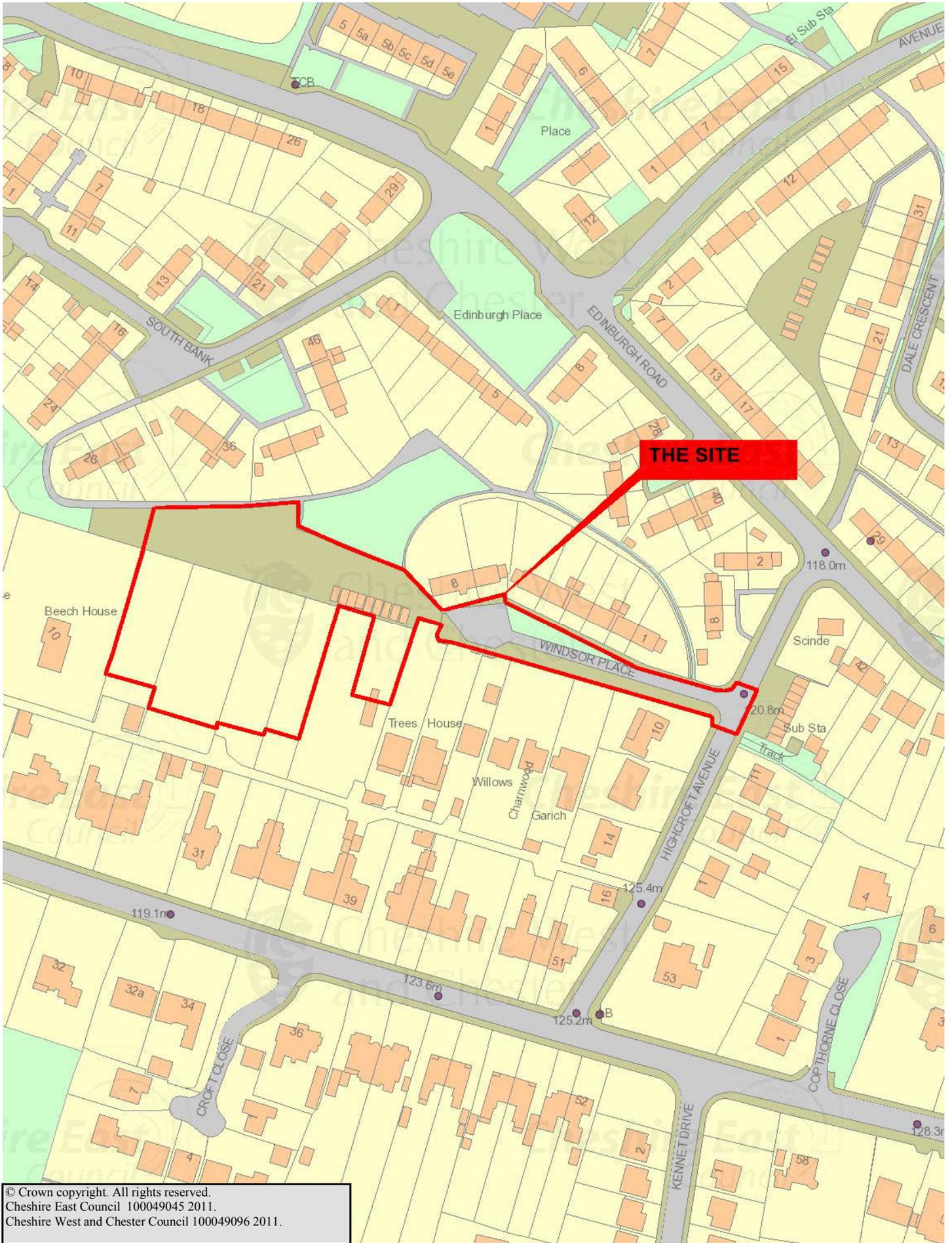
In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan, in relation to design, amenity, highway safety, the historic environment and ecology. It is therefore recommended that the application be approved subject to the following conditions.

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. All brickwork constructed with English Garden Wall bonding**
- 5. Submission of details of chimney stacks and pots**
- 6. All rooflights to be set flush with the roof plane**
- 7. Submission of full details of the finish to the dormers**
- 8. Rainwater goods to be metal finished in black or another dark colour to be agreed with the LPA**
- 9. All fenestration to be set behind a reveal of 100mm over a shallow stone sill**
- 10. All windows and doors fabricated in timber and painted or opaque stained**

11. Full details of fenestration to be submitted for approval
12. Submission and implementation of detailed design and construction specification for the works to Windsor Place and the internal part of the site
13. Completion of the carriageway works to Windsor Place prior to first occupation of the dwellings
14. Measures for the protection of breeding birds
15. Submission of details for the incorporation of features for use by breeding birds
16. Submission of a scheme of landscaping of the site
17. Implementation of approved landscaping scheme
18. Submission and implementation of details of boundary treatments
19. Submission and implementation of a tree and hedge protection scheme
20. Submission of a detailed drainage scheme
21. Submission of a Phase 1 land contamination survey
22. Limits on hours of construction
23. Limits on hours of piling



© Crown copyright. All rights reserved.
Cheshire East Council 100049045 2011.
Cheshire West and Chester Council 100049096 2011.

This page is intentionally left blank

Application No: 11/0861C

Location: LAND OFF CANAL ROAD, CONGLETON

Proposal: Erection of 17 Dwellings, Associated Work and Vehicular Access and Single Garage for Canal Villa

Applicant: Wainhome Developments

Expiry Date: 14-Jun-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Land Supply
- c) Highways
- d) Trees and Landscaping
- e) Ecology
- f) Affordable Housing
- g) Public Open Space Provision
- h) Residential Amenity
- i) Drainage and Flood Risk

REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a small-scale major development.

DESCRIPTION AND SITE CONTEXT

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The site is predominantly Greenfield in nature with the remainder comprising the residential property known as 'Canal Villa' and land to the north west of the site, which is currently used for the parking of plant hire equipment.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 17 dwellings with access provided off Wolstanholme Close. The proposal would also extend the curtilages of the properties known as 'Brackenwood' and 'The Sheiling' and would provide a single grahe for the property known as 'Canal Villa'.

RELEVANT HISTORY

In 1982 a lawful development certificate was issued for use of part of the site for use as an agricultural haulage business operated from Canal Villa (ref; 14397/5). An application for the storage of plant hire and equipment shortly followed in the same year and this was permitted on a temporary basis (ref; 14398/3). In the subsequent 20 years, this temporary permission has been renewed on 10 separate occasions the most recent being in 2004 (ref; 36846/6).

In 2001, an application for the erection of 26 dwellings (ref; 36846/6) was refused as the former Congleton Borough was experiencing an oversupply in housing. Furthermore, at that time, the proposal was deemed to be contrary to the former PPG3 'Housing' due to the development of a Greenfield site.

An application to erect 21 dwellings with access off Canal Road was recently withdrawn (planning ref; 10/0167C).

The Southern Planning Committee resolved to approve an outline application for residential development subject to conditions and the signing of a legal agreement at the meeting of 13th October 2010. However, prior to the signing of the legal agreement, the applicant lodged an appeal against non-determination and the Planning Inspectorate recently allowed the appeal (planning ref: 10/2651C).

POLICIES

National Policy

PPS1	'Delivering Sustainable Development'
PPS3	'Housing'
PPS9	'Biodiversity and Geological Conservation'
PPG13	'Transport'
PPS23	'Land Contamination'
PPG25	'Development and Flood Risk'

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs

GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

Interim Policy on the Release of Housing Land
Interim Planning Statement on Affordable Housing
Planning for Growth' Ministerial Statement

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

CONSIDERATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions restricting the hours of construction, piling and associated deliveries to the site are recommended.

Highways:

This is a detailed application for residential development with access proposed from Wolstanholme Close. The application is supported by a Traffic Statement in accordance with DfT guidelines, which robustly demonstrates that the traffic impact from this scale of development would be negligible and that the junction of Astbury Lane Ends with Canal Road retains significant capacity when development traffic generation is considered. In Highway safety terms the option to serve this development from an existing infrastructure junction is preferred to the creation of a new access off Canal Road. As such, the Strategic Highways Manager has no objection to this outline proposal.

Regarding internal layout, the Strategic Highways Manager would still like to see a dedicated pedestrian access to Canal Road from this development which would fall within the public highway. The current application shows an access which seems to use private third party land and it is not clear how the rights of access to all, for such a link could be reasonably managed

given it will remain private. An amended plan showing the inclusion of a pedestrian link to Canal Road from the development should be required as it will provide good quality pedestrian accessibility within Authority control. This should be negotiated with the applicant.

The proposed layout follows the Cheshire CC Design Aid guidance and offers an acceptable adoptable infrastructure which is considered appropriate as it continues the design theme for Wolstanholme Close.

Parking ratios are acceptable when viewed against standards.

British Waterways (BW):

Following a site visit we note that due to extensive existing vegetation including large trees between the site and the canal which are to be retained the visual impact of the proposal from the canal would be minimal. Nevertheless paragraph 7.7 of the Design and Access Statement, points out that the character of the canal corridor is generally typified by development either fronting the waterway or having a close relationship to it. The side elevation presented to the canal in the proposed development would therefore be atypical.

It is considered that the development will place an additional burden on the adjacent Macclesfield Canal as a result of increased activity on the towpath. Policy GR16 (Footpath, Bridleway and Cycleway Networks) of the Congleton Local Plan states that where a requirement can be demonstrated, a financial contribution may be sought from developers towards the improvement and extension of the network. Policy GR22 'Open Space Provision' states that in lieu of on-site provision, the Borough Council may accept a commuted payment to provide or improve facilities elsewhere in the locality, providing the alternative is near to and easily accessible from the housing site.

Having regard to these policies, and the 5 tests in Circular 05/05 'Planning Obligations' as well as the subsequent CIL regulations, BW considers that it would be reasonable to request financial contributions towards the costs of improving and maintaining the towpath between the bridges to the north east and south west of the site. Such contributions should consist of a payment to cover the necessary clean-up and upgrading works initially required, followed by annual contributions to cover maintenance costs for an appropriate time period. Payments should be secured through a Section 106 agreement and I would be glad to provide costings at the appropriate time.

If the council is minded to grant planning permission, due to the proximity of the canal it is requested that the following informative is attached to the decision notice: *"The developer is advised to contact our Third Party Works Engineer Team at Wigan to ensure that any necessary consents are obtained and that the works comply with their current Code of Practice"*. In addition, in order for British Waterways to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice in due course. Should you have any queries please contact me at this office.

Green Spaces:

An assessment of the existing Amenity Greenspace accessible to the site has revealed that there would be a surplus in the quantity of provision. Whilst there is no need for the creation of new open space; a qualitative deficiency has been identified in local open spaces. As such, an

opportunity has been identified for enhancing the quality of the Amenity Greenspace at Townsend Road. This would require a financial contribution towards the cost of improving drainage at the bottom of the site and for footpath improvements. The required sums of money would be £2,958 for the enhancements and £6,622 for the maintenance.

With regard to Children and Young Persons provision (CYPP), an assessment has identified that there would be a local deficiency in the quantity of the provision arising from the development. To meet the needs of the development, an opportunity has been identified for the upgrading of the existing facilities at Townsend Road in order to increase its capacity. Improvements would consist of relocation of items of play equipment on the same site and provision of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP). This would improve the quality and accessibility of the facility to the development. The financial contributions for such would be £5,128 for the enhancements and £16,716 for the maintenance.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer at manhole 6001 restricted to a discharge of 8l/s.

VIEWS OF CONGLETON TOWN COUNCIL

Object on highways grounds – the junction at Astbury Lane Ends and Canal Road is very busy and also contains a bus stop in both directions picking up school children in the mornings and afternoons. Thus the impact of traffic emanating from the new development will exacerbate an already busy junction and increase the probability of accidents occurring and would be contrary to highway safety because of the unacceptable increase in traffic.

Additional concerns:-

1. Proposed development would result in more road parking.
2. No notices have been put up in Wolstanholme Close publicising the planning application.
3. Not aware of any community involvement relating to this application.
4. Builder plans to use soak away drains for storm water, as all the existing homes have a similar system, there is concern that the issues under the aqueduct of Canal Road will be intensified.
5. Strongly suggest that the pond is surveyed on the site for evidence of Great Crested Newts in the pond, which are believed to exist in the area.

OTHER REPRESENTATIONS

126 letters of representation have been received, 125 objecting to this application and 1 in support. The responses are summarised below:

- The junction at Canal Road/Astbury Lane Ends/Lamberts Lane is well known as a very busy and dangerous junction already. The development would give rise to an unacceptable increase in traffic using this junction and would harm highway safety.
- A recent appeal decision for Lamberts Lane Farm highlighted issues with traffic using Lamberts Lane.

- The traffic survey was carried out by the applicant and has several omissions and errors and was carried out in July during exam period.
- A second traffic survey has been carried out which shows:
 - Traffic volume at all junctions was much higher than previously detailed
 - The 85 percentiles north and southbound on Canal Road were 30 and 31 mph. Visibility at the Canal Road/Astbury Lane Ends junction is insufficient for vehicles travelling at these speeds. [90metres visibility required for pulling onto a road with a speed limit of 30mph]
 - Traffic [including buses, school buses and delivery vehicles] stopping in the lay-by adjacent to the shops, affect the junction's sight lines for traffic using Astbury Lane Ends
 - The period of most concern is from 0800 – 0845hrs
 - Cars having to undertake a parked bus in the lay-by. On occasion, due to the lay-by being full, buses/delivery vehicles will stick out past the lay-by onto the general carriageway resulting in congestion
 - The problems school children encounter when crossing Canal Road
 - Lack of visibility when pulling onto Canal Road from Astbury Lane Ends
 - Buses stop on both sides of the road in close vicinity of the junction. When children are also crossing the road they are vulnerable from vehicles overtaking/negotiating the stationary vehicles
- Lamberts Lane is a particular congestion hotspot due to the condition of the road and the numbers of parked cars on the roadside, which reduces visibility.
- The actual egress from the Close on to Lamberts Lane has a blind spot to the right due to the presence of a protected oak tree on the corner which obscures oncoming traffic.
- Making this road a through road will seriously compromise the safety of all children by putting their lives at risk when playing out.
- The traffic impact on the entrance to the Lamberts Lane bridleway, used as an amenity by locals and other visitors from Congleton for both walking with and without dogs and also horse riders and fishermen
- With no access off Canal Road, residents are more likely to use the car to travel to the town centre.
- Only the proposed access road has pavement provision. The proposal does not give provision for pedestrians or direct access to Canal Road.
- Children and young people from at least two high schools and two colleges are picked up and dropped off each day by buses from directly outside this junction.
- Erosion of quality of amenities - as will be remembered from all the arguments put forward in connection with the proposed planning for the chicken farm, this area is used by walkers, joggers, horse riders, children cyclists and fishermen accessing the canal. It is an area of some beauty with mature trees both on and close to the site. I feel this ought to be preserved at all cost an any substantial increase in road traffic must be deemed unacceptable
- Proposed Plan will destroy the Wolstanholme Close community.
- The adjacent trees may affect adjacent foundations.
- Proposal will result in the loss of a Greenfield site
- The development of the site will offer improvement by removing the previous contracting business from the site.

APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Climate Change Statement
Transport Statement
Phase 1 Habitat Survey
Bat Survey
Tree Survey
Tree Protection Measures

OFFICER APPRAISAL

Full planning permission is sought for the construction of 17 dwellings on land off Canal Road, Congleton with access proposed off Wolstanholme Close. This application follows the refusal of an earlier application (ref; 10/2651C), which was refused due to concerns about the design and layout. This detailed application seeks to address those issues. The principle of the development has already been established by outline application 10/2653C which was recently determined by the Planning Inspectorate (ref; APP/R0660/A/11/2149930/NWF).

Design & Layout

The proposed layout would be served by a single access point by continuing the existing turning head off Wolstanholme Close into the site. The road would turn 90 degrees which would allow a block of 4 mews properties to front the access and to provide a focal point when entering the site. The dwellings would be arranged around an L shape with 4 further units situated behind the mews properties on plots 10-13 to provide an enclosed courtyard. This courtyard would be served by an underpass located within these front units. When travelling into the site, views would terminate on the front of properties and then the road would turn a further 90 degrees running parallel with the south-eastern boundary down towards Canal Road. In general terms, this proposed layout would encourage views to terminate on active frontages and would reduce the need for long stretches of blank boundary walls. This would overcome previous concerns about creating an unattractive public realm.

Notwithstanding the mews properties, the other houses types would vary in terms of their architectural detail but would all be of a similar character and style. The units positioned towards the south-eastern boundary would be larger detached units to help assist with the transition with those dwellings to the south which are larger in size and set within spacious plots. Overall, the proposed development would complete the development of this part of Congleton, and as the surrounding development is mixed in terms of its design and style. The proposal would not materially harm the character or appearance of the area and would be acceptable as viewed from the adjacent Macclesfield canal. Towards the north-western corner of the site, a footpath would travel along the boundary with no.17 Wolstanholme Close and would provide a link with the Canal tow path. This would improve pedestrian linkages with the canal side for the both the proposed development and existing residents to the west.

With respect to Canal Road, plot 7 would front out over Canal Road with the adjacent unit (plot 6 being double fronted to address both Canal Road and the street itself. In visual terms, the development would be set back from Canal Road so as to not appear too dominant and those properties nearest would respond accordingly by fronting out in this direction. Subject to the use

of good quality materials, which could be secured by condition, the proposed development would materially harm the character or appearance of the area and would be acceptable in design terms. The scheme is therefore deemed to comply with local plan policy GR2.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway. The site would be accessed via Wolstanholme Close, a cul-de-sac comprising of modern detached dwellings that is accessed via Lamberts Lane to the south. The head of the cul-de-sac would be extended directly into the site and has been constructed with a view to serving the future development of the site. A Transport Statement has been submitted with the application and the Strategic Highways Manager has assessed this and verified its findings. The Assessment concludes that the site is considered to be accessible by a range of non-car modes of travel, is in close proximity to the existing public transport infrastructure and that the scale of development would not have a detrimental impact on the local highway network, including the nearby junction of Lamberts Lane, Astbury Lane Ends and Canal Road. This view was shared by the planning Inspectorate also and therefore the views expressed by neighbouring residents would not sustain a refusal. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Trees and Landscaping

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. Of particular note is a mature protected oak tree situated close to the proposed access off Wolstanholme Close. The proposed layout would allow for the retention of the protected Oak tree and many of the other prominent trees. Although a number of early mature Sycamore and Willow trees would have to be removed to create the access from Wolstanholme Close, the trees that would be removed have no individual amenity value. They do have some amenity value as a group where they are visible from Wolstanholme Close, however, there would be scope to secure replacement planting within the proposed layout. Subject to tree protection conditions, boundary treatment and landscaping conditions, the scheme is found to be in compliance with local plan policy GR4.

Ecology

In view of the fact that the development would involve the removal of some tree specimens, scrubland, and outbuildings, the existence of protected species needs consideration. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

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

and provided that there is

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

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

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

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

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

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

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

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

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. The ecologist has identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated through enhanced landscaping. Some of the features of the site exhibit ideal habitat for breeding birds and as such precautionary recommendations are made. The Ecologist has confirmed that the existing pond on the site does not lend itself well to supporting great crested newts but does offer potential wildlife habitat. As such, it is recommended that a replacement pond be secured as part of the landscape proposals to mitigate its loss. Subject to these recommendations being implemented, the requirements of local plan policy NR2, PPS9 and the EC Habitats Directive are satisfied.

Affordable Housing

The application includes an undertaking for the provision of 17 homes within the site of which only 24% would be affordable. These would consist of 4 two-bedroom homes for social rent and 4 homes as low cost market (24%). Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing in line with the definition in Planning PPS 3.

When the previous application was considered, the Housing Manager stated that the proposal did not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 1 unit short of the 5 required, however as the Housing Manager was satisfied with this level of provision given that all of the units would be social rented. The Housing Manager recommended acceptance because of the high demand for these types of units in Congleton and because social rent needs much more subsidy than intermediate tenure and therefore this reduced number is deemed to be acceptable. Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Public Open Space Provision

Under Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. The layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and states that due to the size of the development, it would be inappropriate to provide a large enough area of public open space within the development to offset the deficiency of provision set out by the adopted local standards in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision. As such commuted sums would need to be secured by Section 106 Agreement. In summary they would comprise a sum of £2,958 for enhanced provision of Amenity Greenspace, with £6,622 for maintenance and £5,128 for improvements and £16,716 maintenance of a small Local Equipped Area for Play at Townsend Road. The applicant has already accepted these terms and therefore the scheme is deemed to comply with the Council's requirements for POS.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west. With regard to the amenities afforded to the nearest neighbour to the east referred to as 'Mosslands', it is recommended that pd rights be removed from plot 1 to prevent the insertion of openings within the first floor east facing side elevation which could overlook this

neighbour's rear garden. This would also apply to the north facing side elevation of plot 14 in relation to the rear garden of the existing property known as 'Canal Villa'

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. There are ground floor windows proposed within the south-eastern side elevations facing the opposite dwellings which would be only 15 metres away and as such it is recommended that these be obscured. Elsewhere, there would be no significant overshadowing, direct overlooking or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Drainage and Flood Risk

PPS25 'Development and Flood Risk' states that LPAs should in determining planning applications give priority to the use of sustainable draining systems for the management of runoff. Building design should ideally use softer engineering structures such as swales, detention ponds, infiltration basins and porous surfaces as alternatives to conventional drainage systems to minimise flooding and environmental damage as a result of uncontrolled surface water runoff. Some objector's have expressed concern about the existing ground conditions and have pointed out that the development of the site would lead to the increased risk of flooding particularly on Canal Road. The site is not within an area at risk from flooding and as such, in the event of such development being approved, sustainable drainage systems can be secured through condition or agreement. United Utilities have not objected to the application provided that the site is drained on separate system.

Other Considerations

British Waterways is seeking a financial contribution towards the costs of improving and maintaining the towpath. However, it is not considered that the proposed development of 17 units would place undue burden on the existing towpath and the consequently it would not be reasonable or necessary to provide a financial contribution and therefore would not meet the 56 tests of Circular 06/2005 and subsequent CIL regulations.

CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development has already been accepted. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The proposal would address previous design concerns and as such the scheme would not harm the character or visual amenity of the area. Whilst there is a shortfall of 1 affordable unit, all of the affordable units would be 2 bedrooms and social rented of which there is a large demand in Congleton. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme. The applicant has offered acceptance of the financial contributions towards public open space and the risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and the use of a separate sewerage system. Subject to conditions the proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general

compliance with national and local guidance in a range of areas including ecology and highway safety and the application is therefore recommended for approval.

RECOMMENDATION:

Grant approval subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below and subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

1. Contribution of £31,424 towards public open space and CYPP and ongoing maintenance of the facilities.

1. Delivery of 4 No. 2 bed dwellings for social rent

Conditions

1. 3 year time limit

2. Development in accordance with submitted plans inc. access

3. Hours restriction – construction including delivery vehicles.

4. Hours restriction - piling activity.

5. Contaminated land Phase 1 to be submitted

6. Drainage - surface water and sewerage to include SUDS.

7. Landscape scheme and Management Plan to be submitted

8. Landscaping to include native species for ecological value

9. Implementation of landscaping

10. Survey for breeding birds and protection during breeding season

11. Incorporation of features into the scheme suitable for use by breeding birds.

12. Submission of landscape management plan to include details of planting, habitat creation, maintenance, boundary treatments and replacement pond.

13. Tree protection with adherence to Arboricultural Method Statement

14. Submission/approval and implementation of a programme of remedial works to retained trees.

15. Site specific details of no dig construction for footpath

16. Submission/approval of levels

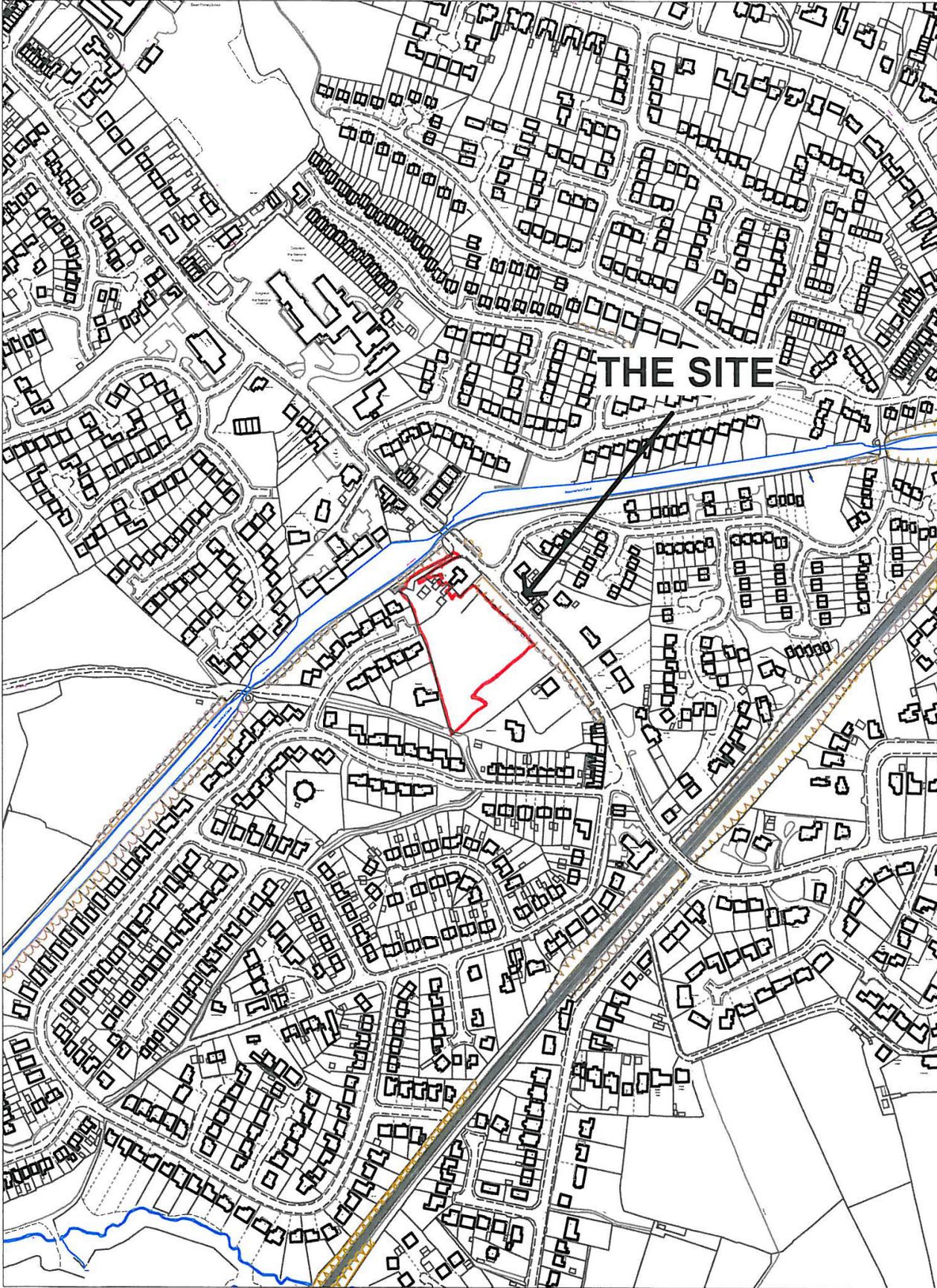
17. Materials to be submitted to and approved

18. Provision of a pedestrian and cycle link from the development onto Canal Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority

19. Removal of permitted development rights classes A-E for plots 10-17 inclusive

20. Removal of permitted development rights for openings for plots 1, 2, 4, 5, 7, 8, 9, 10, 14 and 17

21. Obscured glazing within southeast facing side elevation of plots 7 and 8.



11/0861C LAND OFF CANAL ROAD, CONGLETON



This page is intentionally left blank

Application No: 10/4924N

Location: THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU

Proposal: Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished). Two Garages with Stores in One Separate Building and New Porch on North Elevation of the Rookery Building.

Applicant: Mr P Field, Rockermans Furniture

Expiry Date: 26-Apr-2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **Impact upon the character and appearance of the Nantwich Conservation Area**
- **The impact upon the setting of the Listed Building**
- **The impact upon residential amenity**
- **The impact upon protected species**
- **Highway safety**
- **Impact upon the TPO trees**

1. REASON FOR REFERRAL

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

'Bulk and Mass to adjoining Properties and it being in conflict with a Grade 2 Listed Building'

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which was a symmetrical front with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a later two-storey

and single-storey element which is to be demolished as part of this proposal. Vehicular access is taken from Millstone Lane and there are 3 trees which are protected by a Tree Preservation Order to the front of the site.

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

2. DETAILS OF PROPOSAL

This is one of two planning applications for the development of this site (each includes separate applications for Listed Building Consent). This application relates to the construction of 1 pair of semi-detached dwellings which would be accommodated by the demolition of the later single-storey and two-storey additions to the north of the building. The dwellings would each have three bedrooms and would face onto the side elevation of The Rookery with a gable facing onto Millstone Lane. A new porch would be provided to the side elevation of The Rookery.

Listed Building Consent application 10/4928N accompanies this planning application.

3. RELEVANT HISTORY

P05/1348 - Change of Use from Office to Residential – Approved 13th December 2005

P96/0030 - Listed building consent for various advertisements - Approved 2nd May 1996

P96/0029 - Various advertisements – Approved 2nd May 1996

P92/0383 - Listed building consent for extension/access alterations - Refused 23rd July 1992

P92/0382 - Extensions/access alterations – Refused 23rd July 1992

P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17th August 1992

P92/0031 - Extension to offices and new rear entrance gates – Refused 17th August 1992

4. POLICIES

Local Plan policy

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.7 – Conservation Areas

BE.9 – Listed Buildings: Alterations and Extensions

BE.11 – Demolition of Listed Buildings

BE.16 – Development and Archaeology

E.7 – Existing Employment Sites

Regional Planning Policy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP7 – Promote Environmental Quality

EM1 – Integrated Enhancement and Protection of the Region’s Environmental Assets
MCR4 – South Cheshire

National Planning Policy

PPS 1 - Delivering Sustainable Development
Planning and Climate Change: Supplement to Planning Policy Statement 1
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation

Other Legislation

EC Habitats Directive
Conservation (Natural Habitats &c.) Regulations 1994
ODPM Circular 06/2005

5. CONSULTATIONS (External to Planning)

Environmental Health: No objection conditions requested in relation to contaminated land, hours of construction, external lighting, a dust management plan and the use of mitigation measures for the elevations facing Hospital Street.

Strategic Highways Manager: The proposed alterations to the access in relation to planning applications 10/4924N and 10/4925N is acceptable in highways terms providing that it is constructed in accordance with the drawings supplied and under a section 184 licence agreement of the highways act 1980.

Nantwich Civic Society: Generally supports the application but care will need to be taken in choosing materials for the development.

Environment Agency: No objection

Archaeology: Advise that the relevant aspects of the development (initial site strip, excavation of foundations for the garages and houses, etc) should be subject to a programme of archaeological observation and recording followed by an appropriate level of recording. This may be secured by condition.

6. VIEWS OF THE PARISH COUNCIL

The Council objects to this application on the following grounds:-

- It is understood that the “storage buildings” are coach houses and as such part of the original house and should be retained and protected. At the very least, the façade of the “storage buildings” should be preserved.
- The access/egress to these proposed buildings will be on a busy road close to two small roundabouts where traffic flows and rights of way may not be entirely clear. It will add to an already hazardous situation.
- The bin storage / garage areas are too close to the southerly neighbour and will be unattractive and overbearing to that neighbour.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 1, 5 & 6 Rookery Close and 4 Fairfax House, Millstone Lane raising the following points;

- Short separation distances
- Lack of car-parking
- If this proposal is allowed, it together with the main Listed Building would constitute an over-development of the site
- The impact of the adjacent veterinary hospital on the future occupiers of the dwellings
- The adjacent buildings are not shown on the submitted block plan
- Highway safety
- The loss of trees on the site
- The proposal would detract from the grandeur of the property to the detriment of the historic town
- Over-development of the town
- Loss of privacy
- The development of the site may undermine the structural stability of the properties on Rookery Close which are set at a higher level
- The plans are not to scale
- The block plan does not show the correct position of No 5
- Proximity of the proposed garage block to No 5 Rookery Close
- Loss of light to No 5 Rookery Close
- The garage/store would have a detrimental impact upon the setting of the Listed Building
- The dwellings are too small in size
- Proximity to the car park to the north
- Lack of open space
- The proposed dwellings would not comply with building regulations
- The site would appear cramped
- Highway safety
- Impact of the proposed parking area

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Heritage Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey

These documents are available to view on the application file.

10. OFFICER APPRAISAL

Principal of Development

The application site is located within the Nantwich Settlement Boundary where the principle of residential development is acceptable. However the site is located within the Nantwich Conservation Area where any new building must harmonise with its setting by being sympathetic in scale, form and materials to the characteristic built form of the area.

Furthermore The Rookery is a Grade II Listed Building and any development should not harm the setting of the Listed Building.

Design and Impact upon the Conservation Area and the setting of the Grade II Listed Building

The buildings to the north of The Rookery (which are to be demolished) are later additions and are not referred to in the listing for the building. The single storey element is extensive with a roof which slopes upwards away from the Rookery and includes asbestos cladding to its side elevation. The two-storey element has a shorter pitched roof with modern fenestration detailing. These additions are set behind an existing brick wall which acts as a visual screen from Millstone Lane.

It is recognized that an early map of Nantwich dated 1876 indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery. However this area has seen a high level of rebuilding/alterations and as a result the extensions have limited architectural interest. It is considered that the loss of these later additions to the north of the building is acceptable. It should also be noted that the screen wall would be retained and this is welcomed whilst the addition of an arched opening is sympathetic to the site.

A blank gable which forms the side elevation of the dwellings would face onto Millstone Lane. This gable is slightly taller than the existing gable and of its height and narrow width the development would appear sympathetic when viewed from Millstone Lane.

The dwellings would face onto the side elevation of The Rookery and would be of a simple design with a pitched roof set behind parapet gable. The dwellings would include simple fenestration details and no porch features; this would allow the building to appear simple in appearance and subservient to the main building. The scale of the development is also considered to be acceptable given the size of the existing buildings which would be removed as part of the proposed development.

The existing screen wall would screen the proposed porch from public viewpoints and this porch which has been simplified as part of the negotiations with the removal of a fanlight. It is considered that the porch of an acceptable design and would not harm the character and setting of the Listed Building.

Amenity

The main properties affected by the development would be the properties fronting Rookery Close to the rear of the site.

The proposal originally included a detached garage/store block which would be located onto the rear boundary of No 5 Rookery Close. The proximity of this garage block to No 5 Rookery Close raised concerns in terms of its overbearing impact and as a result this element has been removed from the scheme as part of the negotiations with the applicant's agent.

The gable end of the proposed dwellings would be approximately 13 metres from the rear elevation of No 5 Rookery Close and 11 metres from the shared boundary. This distance is just below the suggested separation distance of 13.5 metres for a principle to non-principle elevations as stated within the SPD. However in this instance the proposed development would be limited to a narrow gable of just 4.8 metres which would be just 3 metres closer to No 5 Rookery Close than the existing buildings, it should also be noted that the site is located within the historic core of Nantwich which is characterised by short separation distances. Given that the development would not project in front of the entire rear elevation of No 5 Rookery Close it is considered that the development would not have a detrimental impact upon the residential amenities of No's 3 or 5 Rookery Close.

It should also be noted that the gable end of the rear elevation of the proposed dwellings would contain no windows and as a result there would be no impact upon the privacy of the occupiers of No's 3 & 5 Rookery Close.

To the north of the site there would be a separation distance of 18.5 metres to the rear elevation of No 1 South Crofts. Given this separation distance and the fact that the development would not directly face this property it is considered that the development would not have a detrimental impact upon residential amenity.

A communal garden area would be provided for the two dwellings to the rear of The Rookery. Ideally dwellings would have their own private amenity space but this is not possible in this case. Given that the site is located within Nantwich Town Centre and has easy access to the green public areas along Nantwich river side and at The Barony it is considered that a communal open space is acceptable in this instance.

There is a concern that the level of accommodation incorporated within each of the dwellings would be insufficient to ensure the scheme would provide a satisfactory scale of accommodation for a single person or a couple. As part of the negotiations with this application the internal accommodation has been redesigned and the proposal meets the guidance contained within English Partnerships Quality Standards and is therefore acceptable.

Highways

The access is located within close proximity to a round-about and a pedestrian crossing at the junction of Millstone Lane and Hospital Street. The existing access point is not wide enough to allow vehicles to pass. As part of the negotiations amended plans have been provided which show that the access to the site would be widened to allow two vehicles to pass.

Given that the development is for two dwellings only it is not considered that the development would cause such a significant increase in traffic as to warrant the refusal of this planning application. This view is supported by the Strategic Highways Manager who has raised no objection to this development.

Two parking spaces would be provided for the development which equates to 100% parking provision. This level is considered to be acceptable given that the site is located in a sustainable location within easy walking distance of Nantwich town centre.

Ecology

Following the completion of three bat surveys on this site it can now be confidently concluded that this site supports a minor roost of a single or small numbers of bats of a common species which are most likely roost for short periods of time. In the absence of mitigation the proposed development would have a very minor adverse impact on the conservation status of the species concerned.

The submitted survey recommends the provision of bat boxes as a means of mitigating the loss of the roost and a repeat survey immediately prior to the commencement of works to ensure no bats are present. This approach is to mitigate the adverse impacts of the development.

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

In terms of the 3 tests, it is considered that;

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the setting of the Grade II Listed Building and the wider Conservation Area.
- The derogation is not detrimental to the maintenance of Bats as the site supports a minor roost of a single or small numbers of bats of a common species which are most likely roost for short periods of time. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social reasons of overriding public interest as the development would improve the appearance of this site and bring it back into use. Without this development the site which includes a Grade II Listed Building within the Nantwich Settlement Boundary would fall into further disrepair.

Trees

There are several trees on the site which are protected by the Crewe and Nantwich (The Rookery, Hospital Street Nantwich) TPO 1981. It appears that some of the trees originally protected are no longer present (There is no information on the TPO file to explain the absence of the missing trees).

The protected specimens present are a Sycamore on the Millstone Lane frontage, a Copper Beech close to the frontage of the building and a Yew tree on the Hospital Street frontage. The trees in question are prominent in the street scene and are readily visible to public view. The crown of the Copper Beech tree extends approximately 1-1.5 metres over the roof of a single storey element of the building.

In addition to the above-mentioned trees, there is a mature Yew tree located in the grounds of a property to the west of the site. The crown of the tree overhangs the application site by several metres.

The Sycamore and Yew tree would be unaffected by the proposed development given the separation distances involved, whilst the removal of the garage/store means that there will be no impact upon the Yew tree to the rear of the site.

In terms of the Copper Beech this tree is already positioned in close proximity to the existing buildings which would be demolished. As the proposed development would be no closer to the Copper Beech than the existing buildings it is not considered that the development would harm the roots of this tree. A condition will be attached to state that the front portion of unit 1 under the canopy of the Copper Beech should be hand dig construction only. There will be a requirement to carry out some pruning work to this TPO tree and this would be carried out in consultation with the Councils Tree Officer and is considered to be acceptable.

Other issues

The site is located within the Hospital Street Air Quality Management Area. As the proposed development relates to just 2 units the development would not impact upon the AQMA.

In order to protect the residential amenities of the adjacent residential properties and the future occupant's conditions will be attached in relation to a dust management scheme, non-opening windows and ventilation of the dwellings.

The adjacent site was a former garage and there is a possibility of contamination on the application site. A Phase 1 Contaminated Land Assessment and any necessary further investigations or mitigation measures will be conditioned as part of any approval.

11. CONCLUSIONS

The principle of residential development within the Nantwich Settlement Boundary is acceptable. The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II Listed Building or the character of the wider Conservation Area. The development would not harm the amenities of the surrounding residential properties and is considered to be acceptable in terms of its impact upon the highway network, the TPO trees and protected species.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the LPA**
- 4. Materials to be submitted to the LPA and approved in writing**
- 5. All windows and doors to be timber**
- 6. Window reveal of 50mm to be provided**
- 7. Black metal rainwater goods to be provided**
- 8. Remove PD rights for extensions/outbuildings/fencing**
- 9. Landscaping scheme to be submitted to the LPA and approved in writing**
- 10. Landscaping scheme to be implemented**
- 11. Tree protection measures**
- 12. Hand dig construction under the canopy of the Copper Beech tree**
- 13. Works to the Copper tree to be approved in writing by the LPA**
- 14. Access alterations to be provided before the dwellings are first occupied**
- 15. No windows to be inserted in the gable end of unit 2**
- 16. The parking provision shown on the approved plans to be provided prior to occupation of the dwellings**
- 17. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.**
- 18. Phase 1 Contaminated Land to be submitted for approval prior to the commencement of development**
- 19. Details of any external lighting to be submitted to the LPA and approved in writing**

- 20. All glazing facing Hospital Street shall be non-openable except for the provision of fire escape as per building regulations.**
- 21. All habitable rooms facing Hospital Street should benefit from an air management system to provide all ventilation requirements.**
- 22. Dust management plan to be submitted prior to the commencement of development for approval and then implemented**
- 23. Development to be carried out in accordance with the recommendations contained within the bat survey**



THE SITE

This page is intentionally left blank

Application No: 10/4928N

Location: THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU

Proposal: Listed Building Consent for Two Storey Building Comprising Two Semi Detached Houses on Land Presently Occupied by Single Storey Storage Building Plus a Two Storey Extension to the Rear Corner of the Rookery Building (Storage Building and Extension to be Demolished). Two Garages wth Stores in One Seperate Building and New Porch on North Elevation of the Rookery Building

Applicant: Mr P Field, Rockermans Furniture

Expiry Date: 20-Apr-2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **The impact upon the setting of the Listed Building**

REASON FOR REFERRAL

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

'Bulk and Mass to adjoining Properties and it being in conflict with a Grade 2 Listed Building'

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which was a symmetrical front with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a later two-storey and single-storey element which is to be demolished as part of this proposal. Vehicular access is taken from Millstone Lane and there are 3 trees which are protected by a Tree Preservation Order to the front of the site.

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

2. DETAILS OF PROPOSAL

This is one of two applications for Listed Building Consent for the development of this site (each includes separate planning applications). This application relates to the construction of 1 pair of semi-detached dwellings which would be accommodated by the demolition of the later single-storey and two-storey additions to the north of the building. The dwellings would each have three bedrooms and would face onto the side elevation of The Rookery with a gable facing onto Millstone Lane. A new porch would be provided to the side elevation of The Rookery.

Planning application 10/4924N accompanies this planning application.

3. RELEVANT HISTORY

P05/1348 - Change of Use from Office to Residential – Approved 13th December 2005
P96/0030 - Listed building consent for various advertisements - Approved 2nd May 1996
P96/0029 - Various advertisements – Approved 2nd May 1996
P92/0383 - Listed building consent for extension/access alterations - Refused 23rd July 1992
P92/0382 - Extensions/access alterations – Refused 23rd July 1992
P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17th August 1992
P92/0031 - Extension to offices and new rear entrance gates – Refused 17th August 1992

4. POLICIES

Local Plan policy

BE.9 – Listed Buildings: Alterations and Extensions
BE.11 – Demolition of Listed Buildings

National Planning Policy

PPS5 - Planning for the Historic Environment

5. CONSULTATIONS (External to Planning)

Nantwich Civic Society: Generally supports the application but care will need to be taken in choosing materials for the development.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice

6. VIEWS OF THE PARISH COUNCIL

The Council objects to this application on the following grounds:-

- It is understood that the “storage buildings” are coach houses and as such part of the original house and should be retained and protected. At the very least, the façade of the “storage buildings” should be preserved.

- The access/egress to these proposed buildings will be on a busy road close to two small roundabouts where traffic flows and rights of way may not be entirely clear. It will add to an already hazardous situation.
- The bin storage / garage areas are too close to the southerly neighbour and will be unattractive and overbearing to that neighbour.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 1, 5 & 6 Rookery Close and 4 Fairfax House, Millstone Lane raising the following points;

- Short separation distances
- Lack of car-parking
- If this proposal is allowed, it together with the main Listed Building would constitute an over-development of the site
- The impact of the adjacent veterinary hospital on the future occupiers of the dwellings
- The adjacent buildings are not shown on the submitted block plan
- Highway safety
- The loss of trees on the site
- The proposal would detract from the grandeur of the property to the detriment of the historic town
- Over-development of the town
- Loss of privacy
- The development of the site may undermine the structural stability of the properties on Rookery Close which are set at a higher level
- The plans are not to scale
- The block plan does not show the correct position of No 5
- Proximity of the proposed garage block to No 5 Rookery Close
- Loss of light to No 5 Rookery Close
- The garage/store would have a detrimental impact upon the setting of the Listed Building
- The dwellings are too small in size
- Proximity to the car park to the north
- Lack of open space
- The proposed dwellings would not comply with building regulations
- The site would appear cramped
- Highway safety

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Heritage Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey

These documents are available to view on the application file.

10. OFFICER APPRAISAL

Principal of Development

Listed Building Consent is required for the demolition of a listed building, or for its alteration or extension, which is likely to affect its character as a building of special architectural or historical interest. When considering whether to grant or to refuse an application for Listed Building Consent the Local Planning Authority must have special regard to the desirability of preserving the building, its setting and those features which make it special.

Impact upon the Listed Building

The Listing for this property states;

'A good large mid C18 house with end to Hospital Street and front to road junction. Probably incorporates older house at the rear; symmetrical front with a projecting wing at each side; red brick, 2 storeys, 3 3-light sash windows overall, with light wood pilasters and cornice treatment; long and short cuions to angles; central entrance with ¾ Roman Doric column pilasters, segmental pediment and imitation fanlight; old tile hipped roof. Interior has triple arched hall and good staircase'.

The buildings to the north of The Rookery (which are to be demolished) are later additions and are not referred to in the listing for the building. The single storey element is extensive with a roof which slopes upwards away from the Rookery and includes asbestos cladding to its side elevation. The two-storey element has a shorter pitched roof with modern fenestration detailing. These additions are set behind an existing brick wall which acts as a visual screen from Millstone Lane.

It is recognized that an early map of Nantwich dated 1876 indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery. However this area has seen a high level of rebuilding/alterations and as a result the extensions have limited architectural interest. It is considered that the loss of these later additions to the north of the building is acceptable. It should also be noted that the screen wall would be retained and this is welcomed whilst the addition of an arched opening is sympathetic to the site.

A blank gable which forms the side elevation of the dwellings would face onto Millstone Lane. This gable is slightly taller than the existing gable and of its height and narrow width the development would appear sympathetic when viewed from Millstone Lane.

The dwellings would face onto the side elevation of The Rookery and would be of a simple design with a pitched roof set behind parapet gable. The dwellings would include simple fenestration details and no porch features; this would allow the building to appear simple in appearance and subservient to the main building. The scale of the development is also considered to be acceptable given the size of the existing buildings which would be removed as part of the proposed development.

The existing screen wall would screen the proposed porch from public viewpoints and this porch which has been simplified as part of the negotiations with the removal of a fanlight. It is considered that the porch of an acceptable design and would not harm the character and setting of the Listed Building.

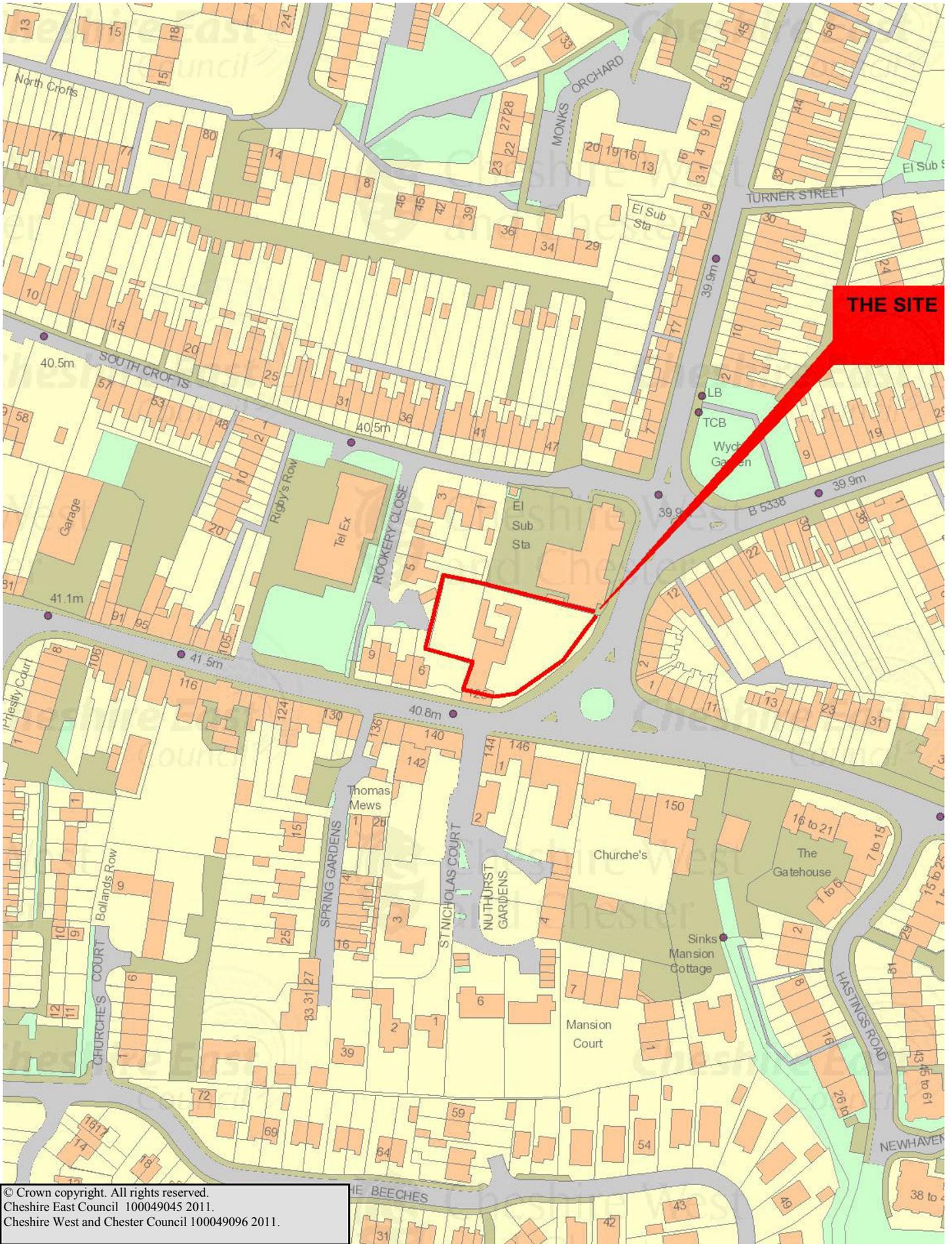
11. CONCLUSIONS

The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II Listed Building, whilst the demolition of the later additions is also considered to be acceptable.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Materials to be submitted to the LPA and approved in writing**
- 4. All windows and doors to be timber**
- 5. Window reveal of 50mm to be provided**
- 6. Black metal rainwater goods to be provided**



Application No: 10/4925N

Location: THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU

Proposal: Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). Two Garages with Stores in One Separate Building

Applicant: Rockermans Furniture

Expiry Date: 26-Apr-2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **Impact upon the character and appearance of the Nantwich Conservation Area**
- **The impact upon the setting of the Listed Building**
- **The impact upon residential amenity**
- **The impact upon protected species**
- **Highway safety**
- **Impact upon the TPO trees**

REASON FOR REFERRAL

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

'Bulk and Mass to adjoining Properties and it being in conflict with a Grade 2 Listed Building'

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which was a symmetrical front with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a later two-storey and single-storey element which is to be demolished as part of this proposal. Vehicular access is taken from Millstone Lane and there are 3 trees which are protected by a Tree Preservation Order to the front of the site.

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

2. DETAILS OF PROPOSAL

This is one of two planning applications for the development of this site (each includes separate application for Listed Building Consent). This application relates to the construction of a two-storey building which would contain 2 flats. The development would be accommodated by the demolition of the later single-storey additions to the north of the building (the two-storey addition which would be demolished as part of applications 10/4924N and 10/4928N would be retained as part of this scheme). The flats would each have two bedrooms and the development would form an T-shaped projection from the side elevation of The Rookery with a gable facing onto Millstone Lane. A lean to extension would be provided to the side elevation of The Rookery.

Listed Building Consent application 10/4929N accompanies this planning application.

3. RELEVANT HISTORY

- P05/1348 - Change of Use from Office to Residential – Approved 13th December 2005
- P96/0030 - Listed building consent for various advertisements - Approved 2nd May 1996
- P96/0029 - Various advertisements – Approved 2nd May 1996
- P92/0383 - Listed building consent for extension/access alterations - Refused 23rd July 1992
- P92/0382 - Extensions/access alterations – Refused 23rd July 1992
- P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17th August 1992
- P92/0031 - Extension to offices and new rear entrance gates – Refused 17th August 1992

4. POLICIES

Local Plan policy

- 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.7 – Conservation Areas
- BE.9 – Listed Buildings: Alterations and Extensions
- BE.11 – Demolition of Listed Buildings
- BE.16 – Development and Archaeology
- E.7 – Existing Employment Sites

Regional Planning Policy

- DP1 – Spatial Principles
- DP2 – Promote Sustainable Communities
- DP7 – Promote Environmental Quality
- EM1 – Integrated Enhancement and Protection of the Region’s Environmental Assets
- MCR4 – South Cheshire

National Planning Policy

PPS 1 - Delivering Sustainable Development

Planning and Climate Change: Supplement to Planning Policy Statement 1

PPS5 - Planning for the Historic Environment

PPS9 - Biodiversity and Geological Conservation

Other Legislation

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

5. CONSULTATIONS (External to Planning)

Environmental Health: No objection conditions requested in relation to contaminated land, hours of construction, external lighting, a dust management plan and the use of mitigation measures for the elevations facing Hospital Street.

Strategic Highways Manager: The proposed alterations to the access in relation to planning applications 10/4924N and 10/4925N is acceptable in highways terms providing that it is constructed in accordance with the drawings supplied and under a section 184 licence agreement of the highways act 1980.

Nantwich Civic Society: Generally supports the application but care will need to be taken in choosing materials for the development.

Environment Agency: No objection

Archaeology: Advise that the relevant aspects of the development (initial site strip, excavation of foundations for the garages and houses, etc) should be subject to a programme of archaeological observation and recording followed by an appropriate level of recording. This may be secured by condition.

6. VIEWS OF THE PARISH COUNCIL

The Council objects to this application on the following grounds:-

- It is understood that the "storage buildings" are coach houses and as such part of the original house and should be retained and protected. At the very least, the façade of the "storage buildings" should be preserved.
- The access/egress to these proposed buildings will be on a busy road close to two small roundabouts where traffic flows and rights of way may not be entirely clear. It will add to an already hazardous situation.
- The bin storage / garage areas are too close to the southerly neighbour and will be unattractive and overbearing to that neighbour.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 1, 5 & 6 Rookery Close and 4 Fairfax House, Millstone Lane raising the following points;

- Short separation distances
- Lack of car-parking
- If this proposal is allowed, it together with the main Listed Building would constitute an over-development of the site
- The impact of the adjacent veterinary hospital on the future occupiers of the dwellings
- The adjacent buildings are not shown on the submitted block plan
- Highway safety
- The loss of trees on the site
- The proposal would detract from the grandeur of the property to the detriment of the historic town
- Over-development of the town
- Loss of privacy
- The development of the site may undermine the structural stability of the properties on Rookery Close which are set at a higher level
- The plans are not to scale
- The block plan does not show the correct position of No 5
- Proximity of the proposed garage block to No 5 Rookery Close
- Loss of light to No 5 Rookery Close
- The garage/store would have a detrimental impact upon the setting of the Listed Building
- The dwellings are too small in size
- Proximity to the car park to the north
- Lack of open space
- The proposed dwellings would not comply with building regulations
- The site would appear cramped
- Highway safety
- Impact of the proposed parking area

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Heritage Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey

These documents are available to view on the application file.

10. OFFICER APPRAISAL

Principal of Development

The application site is located within the Nantwich Settlement Boundary where the principle of residential development is acceptable. However the site is located within the Nantwich Conservation Area where any new building must harmonise with its setting by being sympathetic in scale, form and materials to the characteristic built form of the area. Furthermore The Rookery is a Grade II Listed Building and any development should not harm the setting of the Listed Building.

Design and Impact upon the Conservation Area and the setting of the Grade II Listed Building

The single-storey extension to the north of The Rookery (which is to be demolished) is a later addition and is not referred to in the listing for the building. The single storey element is extensive with a roof which slopes upwards away from the Rookery and includes asbestos cladding to its side elevation. This addition is set behind an existing brick wall which acts as a visual screen from Millstone Lane.

It is recognized that an early map of Nantwich dated 1876 indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery. However this area has seen a high level of rebuilding/alterations and as a result the extension has limited architectural interest. It is considered that the loss of the later single-storey addition to the north of the building is acceptable. It should also be noted that the screen wall would be retained and this is welcomed whilst the addition of an arched opening is sympathetic to the site.

A gable would form the side elevation of the flats would face onto Millstone Lane. This gable is slightly taller than the existing gable and as a result of its height and narrow width the development would appear sympathetic when viewed from Millstone Lane. A first floor link would join the flats to The Rookery, this element would be set back and would be partly screened by the screen wall. The development would have a significantly lower height and would also appear subordinate to The Rookery.

The flats would face onto the side elevation of The Rookery and would be of a simple design with a pitched roof set behind parapet gable. The flats would include simple fenestration details and no porch features; this would allow the building to appear uncomplicated in appearance and subservient to the main building. The scale of the development is also considered to be acceptable given the size of the existing buildings which would be removed as part of the proposed development.

The existing screen wall would screen the proposed lean-to extension from public viewpoints. It is considered that the lean-to extension is of an acceptable design and would not harm the character and setting of the Listed Building.

Amenity

The main properties affected by the development would be the properties fronting Rookery Close to the rear of the site.

The proposal originally included a detached garage/store block which would be located onto the rear boundary of No 5 Rookery Close. The proximity of this garage block to No 5 Rookery Close raised concerns in terms of its overbearing impact and as a result this element has been removed from the scheme as part of the negotiations with the applicant's agent.

The gable end of the proposed flats would be 13 metres from the rear elevation of No 5 Rookery Close and 10 metres from the shared boundary. This distance is just below the suggested separation distance of 13.5 metres for a principle to non-principle elevations as

stated within the SPD. However in this instance the proposed development would be limited to a narrow gable of just 4.8 metres which would be just 3 metres closer to No 5 Rookery Close than the existing buildings, it should also be noted that the site is located within the historic core of Nantwich which is characterised by short separation distances. Given that the development would not project in front of the entire rear elevation of No 5 Rookery Close it is considered that the development would not have a detrimental impact upon the residential amenities of No's 3 or 5 Rookery Close.

It should also be noted that the rear elevation of the proposed flats would contain one window. This window could be obscure glazed as it serves a secondary window to a bedroom and as a result there would be no impact upon the privacy of the occupiers of No's 3 & 5 Rookery Close.

To the north of the site there would be a separation distance of 18.5 metres to the rear elevation of No 1 South Crofts. Given this separation distance and the fact that the development would not directly face this property it is considered that the development would not have a detrimental impact upon residential amenity.

There is a concern that the level of accommodation incorporated within each of the flats would be insufficient to ensure the scheme would provide a satisfactory scale of accommodation for a single person or a couple. As part of the negotiations with this application the internal accommodation has been redesigned and the proposal meets the guidance contained within English Partnerships Quality Standards and is therefore acceptable.

A communal garden area would be provided for the two flats to the rear of The Rookery. This is considered to be an acceptable provision for two flats.

Highways

The access is located within close proximity to a round-about and a pedestrian crossing at the junction of Millstone Lane and Hospital Street. The existing access point is not wide enough to allow vehicles to pass. As part of the negotiations amended plans have been provided which show that the access to the site would be widened to allow two vehicles to pass.

Given that the development is for two dwellings only it is not considered that the development would cause such a significant increase in traffic as to warrant the refusal of this planning application. This view is supported by the Strategic Highways Manager who has raised no objection to this development.

Two parking spaces would be provided for the development which equates to 100% parking provision. This level is considered to be acceptable given that the site is located in a sustainable location within easy walking distance of Nantwich town centre.

Ecology

Following the completion of three bat surveys on this site it can now be confidently concluded that this site supports a minor roost of a single or small numbers of bats of a common species

which are most likely roost for short periods of time. In the absence of mitigation the proposed development would have a very minor adverse impact on the conservation status of the species concerned.

The submitted survey recommends the provision of bat boxes as a means of mitigating the loss of the roost and a repeat survey immediately prior to the commencement of works to ensure no bats are present. This approach is to mitigate the adverse impacts of the development.

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

In terms of the 3 tests, it is considered that;

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the setting of the Grade II Listed Building and the wider Conservation Area.
- The derogation is not detrimental to the maintenance of Bats as the site supports a minor roost of a single or small numbers of bats of a common species which are most likely roost for short periods of time. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social reasons of overriding public interest as the development would improve the appearance of this site and bring it back into use. Without this development the site which includes a Grade II Listed Building within the Nantwich Settlement Boundary would fall into further disrepair.

Trees

There are several trees on the site which are protected by the Crewe and Nantwich (The Rookery, Hospital Street Nantwich) TPO 1981. It appears that some of the trees originally protected are no longer present (There is no information on the TPO file to explain the absence of the missing trees).

The protected specimens present are a Sycamore on the Millstone Lane frontage, a Copper Beech close to the frontage of the building and a Yew tree on the Hospital Street frontage. The trees in question are prominent in the street scene and are readily visible to public view. The crown of the Copper Beech tree extends approximately 1-1.5 metres over the roof of a single storey element of the building.

In addition to the above-mentioned trees, there is a mature Yew tree located in the grounds of a property to the west of the site. The crown of the tree overhangs the application site by several metres.

The Sycamore and Yew tree would be unaffected by the proposed development given the separation distances involved, whilst the removal of the garage/store means that there will be no impact upon the Yew tree to the rear of the site.

In terms of the Copper Beech this tree is already positioned in close proximity to the existing buildings which would be demolished. As the proposed development would be no closer to the Copper Beech than the existing buildings it is not considered that the development would harm the roots of this tree. A condition will be attached to state that the front portion of the flats under the canopy of the Copper Beech should be hand dig construction only. There will be a requirement to carry out some pruning work to this TPO tree and this would be carried out in consultation with the Councils Tree Officer and is considered to be acceptable.

Other issues

The site is located within the Hospital Street Air Quality Management Area. As the proposed development relates to just 2 units the development would not impact upon the AQMA.

In order to protect the residential amenities of the adjacent residential properties and the future occupant's conditions will be attached in relation to a dust management scheme, non-opening windows and ventilation of the dwellings.

The adjacent site was a former garage and there is a possibility of contamination on the application site. A Phase 1 Contaminated Land Assessment and any necessary further investigations or mitigation measures will be conditioned as part of any approval.

11. CONCLUSIONS

The principle of residential development within the Nantwich Settlement Boundary is acceptable. The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II Listed Building or the character of the wider Conservation Area. The development would not harm the amenities of the surrounding residential properties and is considered to be acceptable in terms of its impact upon the highway network, the TPO trees and protected species.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Implementation of a programme of archaeological work in accordance with a written scheme of investigation which is to be submitted by the applicant and approved in writing by the LPA**
- 4. Materials to be submitted to the LPA and approved in writing**
- 5. All windows and doors to be timber**
- 6. Window reveal of 50mm to be provided**
- 7. Black metal rainwater goods to be provided**
- 8. Remove PD rights for extensions/outbuildings/fencing**
- 9. Landscaping scheme to be submitted to the LPA and approved in writing**
- 10. Landscaping scheme to be implemented**
- 11. Tree protection measures**
- 12. Hand dig construction under the canopy of the Copper Beech tree**
- 13. Works to the Copper tree to be approved in writing by the LPA**
- 14. Access alterations to be provided before the dwellings are first occupied**
- 15. Obscure glazing to be provided in the first floor windows in the western elevation of the development**
- 16. The parking provision shown on the approved plans to be provided prior to occupation of the dwellings**
- 17. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.**
- 18. Phase 1 Contaminated Land to be submitted for approval prior to the commencement of development**
- 19. Details of any external lighting to be submitted to the LPA and approved in writing**
- 20. All glazing facing Hospital Street shall be non-openable except for the provision of fire escape as per building regulations.**
- 21. All habitable rooms facing Hospital Street should benefit from an air management system to provide all ventilation requirements.**

- 22. Dust management plan to be submitted prior to the commencement of development for approval and then implemented**
- 23. Development to be carried out in accordance with the recommendations contained within the bat survey**



This page is intentionally left blank

Application No: 10/4929N

Location: THE ROOKERY, 125, HOSPITAL STREET, NANTWICH, CW5 5RU

Proposal: Listed Building Consent for Two Storey Building Containing Two Flats on Land Presently Occupied by a Single Storey Storage Building (To Be Demolished). Two Garages with Stores in One Seperate Building

Applicant: Rockermans Furniture

Expiry Date: 20-Apr-2011

SUMMARY RECOMMENDATION**Approve with conditions****MAIN ISSUES****Impact of the development on:-**

- **The impact upon the setting of the Listed Building**

REASON FOR REFERRAL

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

'Bulk and Mass to adjoining Properties and it being in conflict with a Grade 2 Listed Building'

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located at the junction of Hospital Street and Millstone Lane. The site is located within the Nantwich Settlement Boundary and Conservation Area. The Rookery is a Grade II Listed Building which was a symmetrical front with projecting wings to each side. The building is two-storeys in height with a red-brick finish. To the north of the main building is a later two-storey and single-storey element which is to be demolished as part of this proposal. Vehicular access is taken from Millstone Lane and there are 3 trees which are protected by a Tree Preservation Order to the front of the site.

The surrounding area is in mixed use with the site to the north being a modern building which accommodates Nantwich Vets. To the rear of the site are residential properties which front onto Rookery Close and Hospital Street.

2. DETAILS OF PROPOSAL

This is one of two applications for Listed Building Consent on this site (each includes separate planning applications). This application relates to the construction of a two-storey building which would contain 2 flats. The development would be accommodated by the demolition of the later single-storey additions to the north of the building (the two-storey addition which would be demolished as part of applications 10/4924N and 10/4928N would be retained as part of this scheme). The flats would each have two bedrooms and the development would form an T-shaped projection from the side elevation of The Rookery with a gable facing onto Millstone Lane. A lean to extension would be provided to the side elevation of The Rookery.

Planning application 10/4925N accompanies this planning application.

3. RELEVANT HISTORY

P05/1348 - Change of Use from Office to Residential – Approved 13th December 2005

P96/0030 - Listed building consent for various advertisements - Approved 2nd May 1996

P96/0029 - Various advertisements – Approved 2nd May 1996

P92/0383 - Listed building consent for extension/access alterations - Refused 23rd July 1992

P92/0382 - Extensions/access alterations – Refused 23rd July 1992

P92/0032 - Listed building consent for extension to offices and rear entrance gates - Refused 17th August 1992

P92/0031 - Extension to offices and new rear entrance gates – Refused 17th August 1992

4. POLICIES

Local Plan policy

BE.9 – Listed Buildings: Alterations and Extensions

BE.11 – Demolition of Listed Buildings

National Planning Policy

PPS5 - Planning for the Historic Environment

5. CONSULTATIONS (External to Planning)

Nantwich Civic Society: Generally supports the application but care will need to be taken in choosing materials for the development.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice

6. VIEWS OF THE PARISH COUNCIL

The Council objects to this application on the following grounds:-

- It is understood that the “storage buildings” are coach houses and as such part of the original house and should be retained and protected. At the very least, the façade of the “storage buildings” should be preserved.

- The access/egress to these proposed buildings will be on a busy road close to two small roundabouts where traffic flows and rights of way may not be entirely clear. It will add to an already hazardous situation.
- The bin storage / garage areas are too close to the southerly neighbour and will be unattractive and overbearing to that neighbour.

7. OTHER REPRESENTATIONS

Letters of objection have been received from the occupants of 1, 5 & 6 Rookery Close and 4 Fairfax House, Millstone Lane raising the following points;

- Short separation distances
- Lack of car-parking
- If this proposal is allowed, it together with the main Listed Building would constitute an over-development of the site
- The impact of the adjacent veterinary hospital on the future occupiers of the dwellings
- The adjacent buildings are not shown on the submitted block plan
- Highway safety
- The loss of trees on the site
- The proposal would detract from the grandeur of the property to the detriment of the historic town
- Over-development of the town
- Loss of privacy
- The development of the site may undermine the structural stability of the properties on Rookery Close which are set at a higher level
- The plans are not to scale
- The block plan does not show the correct position of No 5
- Proximity of the proposed garage block to No 5 Rookery Close
- Loss of light to No 5 Rookery Close
- The garage/store would have a detrimental impact upon the setting of the Listed Building
- The dwellings are too small in size
- Proximity to the car park to the north
- Lack of open space
- The proposed dwellings would not comply with building regulations
- The site would appear cramped
- Highway safety

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement
- Heritage Statement
- Air Quality Assessment
- Arboricultural Impact Assessment
- Bat Survey

These documents are available to view on the application file.

10. OFFICER APPRAISAL

Principal of Development

Listed Building Consent is required for the demolition of a listed building, or for its alteration or extension, which is likely to affect its character as a building of special architectural or historical interest. When considering whether to grant or to refuse an application for Listed Building Consent the Local Planning Authority must have special regard to the desirability of preserving the building, its setting and those features which make it special.

Impact upon the Listed Building

The Listing for this property states;

'A good large mid C18 house with end to Hospital Street and front to road junction. Probably incorporates older house at the rear; symmetrical front with a projecting wing at each side; red brick, 2 storeys, 3 3-light sash windows overall, with light wood pilasters and cornice treatment; long and short cuions to angles; central entrance with $\frac{3}{4}$ Roman Doric column pilasters, segmental pediment and imitation fanlight; old tile hipped roof. Interior has triple arched hall and good staircase'.

The single-storey extension to the north of The Rookery (which is to be demolished) is a later addition and is not referred to in the listing for the building. The single storey element is extensive with a roof which slopes upwards away from the Rookery and includes asbestos cladding to its side elevation. This addition is set behind an existing brick wall which acts as a visual screen from Millstone Lane.

It is recognized that an early map of Nantwich dated 1876 indicates that there appears to have been a building located at a right angle to the Rookery with a linking structure. This formed an L-shaped structure adjacent to The Rookery. However this area has seen a high level of rebuilding/alterations and as a result the extension has limited architectural interest. It is considered that the loss of the later single-storey addition to the north of the building is acceptable. It should also be noted that the screen wall would be retained and this is welcomed whilst the addition of an arched opening is sympathetic to the site.

A gable would form the side elevation of the flats would face onto Millstone Lane. This gable is slightly taller than the existing gable and as a result of its height and narrow width the development would appear sympathetic when viewed from Millstone Lane. A first floor link would join the flats to The Rookery, this element would be set back and would be partly screened by the screen wall. The development would have a significantly lower height and would also appear subordinate to The Rookery.

The flats would face onto the side elevation of The Rookery and would be of a simple design with a pitched roof set behind parapet gable. The flats would include simple fenestration details and no porch features; this would allow the building to appear uncomplicated in appearance and subservient to the main building. The scale of the development is also considered to be acceptable given the size of the existing buildings which would be removed as part of the proposed development.

The existing screen wall would screen the proposed lean-to extension from public viewpoints. It is considered that the lean-to extension is of an acceptable design and would not harm the character and setting of the Listed Building.

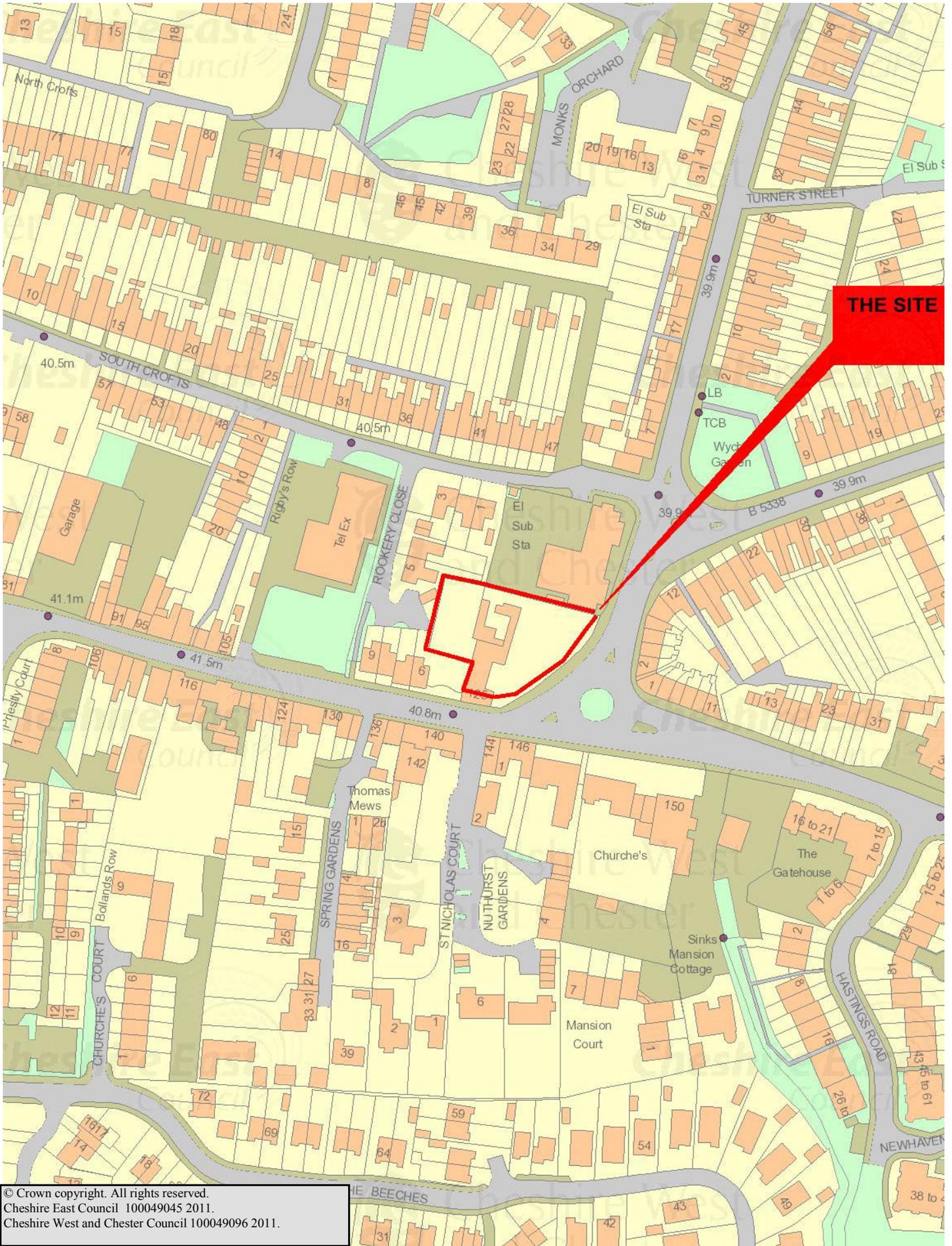
11. CONCLUSIONS

The proposed development is of an acceptable scale and design and would not harm the setting of this Grade II Listed Building, whilst the demolition of the later additions is also considered to be acceptable.

12. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard 3 years**
- 2. Development in accordance with the approved plans**
- 3. Materials to be submitted to the LPA and approved in writing**
- 4. All windows and doors to be timber**
- 5. Window reveal of 50mm to be provided**
- 6. Black metal rainwater goods to be provided**



THE SITE

Application No: 11/0358N

Location: NEW FARM, LONG LANE, WETTENHALL, CW7 4DW

Proposal: Extension to Existing Caravan Park to Provide 10 Seasonal Pitches and 13 Tourist Pitches (23 Total)

Applicant: Mr M Rowland

Expiry Date: 13-Apr-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principal of Development;
- Impact on the Character and Appearance of the Open Countryside;
- Amenity;
- Drainage;
- Ecology;
- Conditions; and
- Highways

REFFERAL

This application is to be determined by the Southern Planning Committee as it is a proposal on a site area which exceeds 1ha.

DESCRIPTION OF SITE AND CONTEXT

New Farm is accessed from Long Lane and is a 2 storey detached property constructed out red facing brick under a tile roof. Located immediately to the rear of this property are a number of traditional brick outbuildings which vary in size and height. Located to the east of these outbuildings are a number of steel portal frame structures, many of which are in a poor state of repair. However, to the south and west of the applicants dwelling is a caravan site, which is the subject of this application.

DETAILS OF PROPOSAL

This application is for the provision of additional 6 pitches to the site (resulting in a total of 23 pitches) and to make 10 of the pitches into seasonal pitches. In addition, there is an existing condition which restricts the number of nights that visitors can stay, to no longer than 3 nights. The applicant proposes to vary this condition so that visitors can stay for up to 28 nights and this will be for the remaining 13 pitches.

RELEVANT HISTORY

7/08033 – Erection of Steel Framed Agricultural Building – Approved – 14th May 1981
P94/0259 – Implements Building – Approved – 2nd June 1994
P01/0950 – Cubicle Building – Approved – 9th November 2001
P03/0407 – Demolition of Agricultural Buildings and Conversion into 3 no. Dwellings with Garage – Approved – 29th September 2003
P05/0628 – Barn Conversion, Realignment of Access Road and Erection of Double Garage – Approved – 8th July 2005
P05/1310 – Barn Conversion to B & B accommodation, Demolition of Agricultural Buildings, New Toilet Block and Caravan Park – Approved – 2nd October 2006
P06/0911 – Proposed Fishing Lake and Adjacent Car Park – Approved – 2nd October 2006
P06/1354 – Enlargement of Proposed Toilet Block Serving Fishing Lake – Approved – 22nd January 2007
P09/0035 – Proposed Agricultural Store and Workshop (GDO) – Planning Permission Required – 2nd February 2009
09/0974N – Amendment to Residential Planning Approval P03/0407 to Provide Single Residential Unit and Two Rental Units in Association with Adjacent Caravan Park – Withdrawn – 6th July 2009
09/3864N - Amendment to Residential Planning Approval P03/0407 to Provide Single Residential Unit and Two Rental Units in Association with Adjacent Caravan Park – Approved – 15th January 2010
10/1118N – Non Material Minor Amendment to Residential Planning Approval P03/0407 to Change Detail of One Residential Unit – Withdrawn – 26th August 2010
10/3605N - Amendment to Residential Planning Approval P03/0407 to Change Detail of One Residential Unit – Approved – 15th November 2010

POLICIES

Local Plan Policy

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.20 Flood Prevention
BE.1 Amenity
BE.2 Design
BE.3 Access and Parking
BE.4 Drainage Utilities and Resources
BE.5 Infrastructure
TRAN.3 Pedestrians
TRAN.5 Provision for Cyclists
TRAN.9 Car Parking Standards
RT.6 Recreational Uses in the Open Countryside
RT.10 Touring Caravans and Camping Sites

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS25: Development and Flood Risk.
Good Practice Guide on Tourism
Planning for Growth

CONSIDERATIONS (External to Planning)

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

Ecology: I do not anticipate there being any significant ecological issues associated with the proposed development.

Environmental Health: No objections subject to the following conditions

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. To protect the amenities of nearby residents and the occupiers of nearby property.

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

VIEWS OF THE PARISH / TOWN COUNCIL

No comments at the time of writing this report

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

OFFICER APPRAISAL

Principal of Development

Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan allows for "essential" development for agriculture, forestry, outdoor recreation, essential works undertaken by a public service authority or statutory undertaker, or for other uses

appropriate to the rural area. Policy RT.10 (Touring Camping and Camping Sites) allows for touring caravan and camping sites where a number of criteria are met. Policy RT.7 (Visitor Accommodation) in relation to visitor accommodation allows hotel or guest house accommodation within settlement boundaries or for the change of use of existing residential accommodation in the open countryside to guest houses. Policy RT.6 (Recreational Uses in the Open Countryside) allows for recreational uses in the open countryside. It is considered that the provision of touring pitches is not in itself a recreational use, but it is connected to the recreational use of the land.

According to Policy EC7 of PPS4: Planning for Sustainable Economic Growth states that Local Planning Authorities should support sustainable rural tourism which benefit rural businesses, communities and visitors and which utilise rather than harm the character of the countryside. It notes the need to support the provision and expansion of tourist facilities in sustainable locations where possible and also recognises that facilities may be required in other locations where they are provided in conjunction with a particular countryside attraction. This policy therefore supports tourist accommodation way from a village or settlement where this is related to an existing tourist facility. The policy notes that new or expanded holiday and touring caravan sites should not be prominent in the landscape and any visual intrusion should be minimised by effective high quality screening. This advice is also advocated in PPS 7 which states that *"In considering planning policies and development proposals for static and touring caravan parks...planning authorities should...ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening"* (paragraph 39)

Policy EC12 of PPS4 notes that when determining planning applications for economic development in rural areas, sites which are remote from local service centres may be an acceptable location for development, even if not readily accessible by public transport. Further support for the provision of rural tourist accommodation is found in The Good Practice Guide on Tourism. The Guide notes that holiday parks are the largest providers of rural bed space and that the provision of tourist accommodation can help to support the local economy and provide for rural diversification. It advises of the need to balance concerns to protect the landscape and minimise environmental impacts with the need to provide adequate facilities.

Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that 'economic development' includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore, recent Government guidance states that there should be a presumption in favour of sustainable development and LPA's should take a positive approach to development.

Whilst PPS 4 (Policy EC7: Planning for Tourism in Rural Areas) notes the need to carefully weigh the objectives of providing adequate facilities or enhancing visitors' enjoyment or improving the financial viability with the need to protect the landscape, it does not require the authority to test the viability of the proposal.

The existing caravan park was completed in May 2007 and according to the agent the development has operated successfully for three complete seasons. The agent states that

due to high demand there is a requirement for the additional pitches and as such will create additional economic benefits for the wider rural community.

Impact on the Character and Appearance of the Open Countryside

The benefits to the rural economy must therefore be balanced against the effect upon the open countryside given that the rear and side of the site is relatively exposed. According to the submitted plans the additional 6 pitches will be located immediately adjacent to the west of the existing caravan pitches and beyond the proposal are a number of fishing lakes. Located to the north of the application site is a car park and a toilet/shower block, whilst to the south are open fields. The application site is currently laid to grass and the proposed pitches will be constructed out of crushed hardcore and a condition relating to surfacing materials will be condition accordingly. The car parking will be dispersed within the site avoiding the need for large areas of hardcore. Whilst the siting of caravans will have a visual impact upon the open countryside they will be seen against the back drop of the existing caravan park. Furthermore it is possible to provide landscaping around the perimeter of the site in order to mitigate for the effect of the caravans and ensure that the character of the open countryside is not affected. Overall, it is not considered that the additional caravans would have a significant detrimental impact on the character and appearance of the area and the proposal is in accordance with policy BE.2 (Design Standards).

Amenity

Apart from the applicants property (New Farm) which is located approximately 45m to the north east of the application site. The next nearest property is Long Lane Farm Cottage which is located to the east of the application. There is a distance in excess of 270m separating the application site from this property. It is considered given the separation distances, and vegetation, no significant amenity issues are raised in relation to this property. The effect on residents of other houses nearby would be negligible. It is considered that the intensification of site use by the introduction of additional pitches will have a negligible impact on the amenities of the occupiers of the other buildings and occupiers of the caravan park and the proposal complies with policy BE.1 (Amenity).

Drainage

According to the submitted planning application forms the proposed method for drainage would be via a septic tank. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

Ecology

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

It was noted that there was a couple of ponds within 250m of the proposed development and as such the proposal could have a detrimental impact on Great Crested Newts. The applicant has not submitted any information relating to protected species. However, it is considered given the small scale nature of the proposal it will not have any detrimental impact on protected species. Additionally considering the nature of the surrounding land use it is unlikely that the proposed development would result in a significant loss of habitat. Furthermore, the

Councils ecologist has been consulted and he states 'I do not anticipate there being any significant ecological issues associated with the proposed development'. Consequently, the proposed development accords with policy NE.9 (Protected Species).

Conditions

In order to ensure that the development is only used for holiday accommodation and not for permanent residential development conditions should be attached as recommended in the Good Practice Guide for Tourism and the Conditions Circular to limit the occupation of the pitches to holiday purposes only, not to be occupied as the persons sole or main place of residence, and for the operator to maintain an up to date register of names of all owner(s) and occupier(s) of each caravan and their main address. Further, the operators should be required to make this record available to the local authority at all reasonable times, upon request.

The applicant is also requesting a variation of condition in order to permit 10 of the pitches to become seasonal pitches and the remaining pitches to be used for up to 28 days. Currently there is a condition on the original permission (P05/1310) which states that *'The use of the caravan site shall be limited to those areas shown on the approved site plan only and shall be limited to touring caravans only. For the purposes of interpreting this condition touring caravans shall be defined as those occupying the site for up to 3 days'*. The applicant has stated due to exceptional demand patrons of the caravan park wish to stay longer than the permitted 3 days and this will help the local economy. However, the applicant has not provided any justification for the seasonal pitches, which normally run from March to October and as such it is not considered appropriate to allow these pitches. However, it is considered only allowing visitors to the site for 3 days is unreasonable and by altering the condition to allow stays for up to 28 days is justifiable in this instance and this will help to ensure that the use of the site remains restricted to holiday touring use, whilst helping the local economy.

Highways

The applicant proposes to access the site via an existing hardcore track which runs along the side of the farm house and serves the existing caravan park. This track exits onto Long Lane and there is a grass verge between the application site and the carriageway edge. As a result of this and the width of the access there is a good level of visibility in either direction and vehicles will be able to enter and exit the site concurrently without queuing back onto the highway. Furthermore, there is sufficient space within the application site for vehicles to enter/leave in a forward gear and be parked clear of the public highway. It is not considered that the amount of additional traffic generated by the proposed extension to the caravan park will result in any highway safety issues and as such the proposal complies with policy BE.3 (Access and Parking).

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is an appropriate use within the open countryside and contributes to the tourism offer of the area. It will not have an adverse impact upon neighbouring amenity or highway safety and the scale of the proposal is appropriate to the purpose it will serve in keeping with Policy BE.2 (Design Standards). The proposal therefore complies with Policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and

Parking), NE.2 (Open Countryside), NE.5 (Nature Conservation), NE.9 (Protected Species), RT.6 (Recreational Uses in the Open Countryside), RT.10 (Touring Caravans and Camping Sites) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to conditions:

- 1. Standard Time Limit**
- 2. Plans**
- 3. Surfacing Materials**
- 4. Drainage**
- 5. No External Lighting**
- 6. No Additional Structures including raised platforms, terraces or sheds shall be erected or placed on the site without the prior consent of the Local Planning Authority.**
- 7. Remove additional pitches within 3 months if no longer required**
- 8. Landscaping submitted**
- 9. Landscaping implemented**
- 10. Length of Caravans not to exceed 7m, excluding tow bar**
- 11. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, registration numbers of towing vehicles and shall make this information available at all reasonable times to the local authority.**
- 12. Limit the number of caravans on site at any one time to a maximum of 40**
- 13. Limit length of stay to no longer than 28 days**
- 14. Hours of Construction restricted to 08.00 to 18.00 hours on Monday to Friday, 0900 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays**

This page is intentionally left blank

Application No: 11/0573N

Location: Land adjacent, Minshull Lane, Church Minshull, CW5 6DX

Proposal: The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding

Applicant: Mr Ian Hocknell

Expiry Date: 28-Jun-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of Development;
- Design;
- Amenity;
- Ecology;
- Air Quality;
- Drainage;
- Highways; and
- Other Matters

REFERRAL

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m² and therefore constitutes a major proposal.

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed poultry unit lies to the north of Minshull Lane. It is noted that the application site is generally level, but the field slopes gently to the north. Furthermore, there is an overhead electricity line, which bisects the field. Located to the west of the proposal is a timber stable. Furthermore, there are numerous ponds within and just outside the application site. The field is demarcated by good boundary hedgerows and is punctuated at sporadic intervals with established mature hedgerow trees (of varying species). The site is located in open countryside in the Borough of Crewe and Nantwich Replacement Local Plan.

DETAILS OF PROPOSAL

The development includes the erection of a large poultry shed measuring approximately 97.1m long by 26.7m wide and standing 6.6m high to the ridge of the roof. The hopper will be

2.8m in diameter and will be positioned adjacent to the proposed poultry house (on the southern elevation) and will stand 7.5m to the top, from ground level.

RELEVANT HISTORY

P04/1307 – Erection of a Stable Block and Menage, Construction of Market Garden, 3 Paddocks and Landscaping of Existing Pond – Withdrawn – 1st December 2004

P05/0133 – Erection of Stables, Menage, Hard Surfaces and Associated Facilities – Refused – 29th March 2005. APP/KO615/A/05/1185252 - Dismissed

P09/0080 – To Rebuild 11Kv Overhead Lines Supported by Wood Poles – No Objection – 10th February 2009

POLICIES

The relevant development plan policies are:

Local Plan Policy

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species.

NE.13 Rural Diversification

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

Other Material Considerations

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS25: Development and Flood Risk

Planning for Growth

CONSIDERATIONS (External to Planning)

Highways: No objections subject to the following comment

Providing that the visibility splays submitted with this application are achievable, there are no highways objections.

Ecology: I am now satisfied that none of the ponds in close proximity to the proposed works are reasonable likely to support Great Crested Newts. Additionally considering the nature of the surrounding land use it is unlikely that the proposed development would result in a significant loss of habitat

Environmental Health: No objections subject to conditions relating to hours of construction, the lighting to be provided in accordance with the submitted information, the poultry house to be kept on a deep litter system, removal of waste, hours of delivery and the ridge fans should be installed and maintained in accordance with manufacturers instructions

Cheshire Wildlife Trust: No objections subject to the following comments

The application includes a Great Crested Newt Habitat Suitability Index Assessment for a single pond located in the same field as the site for the new poultry unit. At the same time reference is also made to two ponds (plural) in the field, and 'ponds' (plural) are referred to throughout the report. We have checked aerial photographs and the 2000 edition of the 1:25000 Ordnance Survey – these show a single pond in the same field as the proposed unit, but up to four other ponds at around 250m from the proposed building footprint/access road route, including a pond on the south side of Minshull Lane. Although these may be in a similar condition to the pond that has been assessed, we consider that they should be included in the HSI Assessment to ensure that any potential meta-population of GCNs has not been overlooked, and that, if necessary, appropriate recommendations for mitigation are made.

Planting proposals on the Block Plan indicate small discrete blocks of trees and native shrub planting on the southern edge of the pond. We consider the small formal blocks of trees to be atypical in terms of landscape character and of low ecological value. Shrubs on the south side of the pond will eventually shade part of the pond, further reducing its potential value for GCNs. A continuous belt of tree and shrub planting to reinforce the existing southern field boundary would be more effective as a screen for viewpoints from Minshull Lane and of greater potential value to biodiversity.

Natural England: No objections subject to a condition relating to emissions from manure on protected land

VIEWS OF THE PARISH / TOWN COUNCIL

Objects to the application on the following grounds:

The site lies within open countryside as defined by Policy NE2 of the Local Plan.

As such development is only permitted where “**essential** for the purposes of agriculture”. There is no existing agricultural activity on the site (other than open grazing) and no agricultural necessity for such a development on this site. As such the proposal therefore fails to meet the requirements of Policy NE13 (Rural Diversification) on the following grounds:

- a) it does **not** “involve the diversification of an [existing] farm business”;
- b) it does **not** “lie in or adjacent to an existing farm or commercial complex”;
- c) it **would** “detract from the visual character of the landscape” by introducing an industrial-style building of considerable size into the open countryside.

The conditions necessary to permit the erection of agricultural buildings requiring planning permission are set out in Policy NE14. The application fails to meet the following requirements:

- a) “the proposal is required for, and ancillary to, the use of the land for agricultural purposes” – the proposal is entirely unrelated to the use of the land for agricultural purposes as a stand-alone enterprise;
- b) “the proposed development is satisfactorily sited in relation to existing buildings” – there are no existing buildings, the development introduces structures into open countryside;
- c) “the proposed development is sympathetic in terms of design and materials” – the large building of industrial character would introduce an entirely alien feature into open countryside.

Permitting a development of this nature onto a site in the open countryside would create a precedent for piecemeal ribbon development on small sites along Minshull Lane, and other lanes in the area.

Planning Policy BE1 requires that new development is “compatible with surrounding land uses” – as outlined above this development would not be compatible with nearby land uses – and will “lead to an increase in air, noise or water pollution”. Policy NE17 also requires “appropriate measures ... to prevent, reduce or minimise pollution”. It is unclear what steps are proposed to address air pollution in particular and whether the processing and disposal of waste can be achieved without causing significant smell nuisance.

OTHER REPRESENTATIONS

Letters of objection have been received from the occupiers of Old Orchard, Primrose, Meadow View, Weaver Manor, Willow Grange, The Old Post Office, Willow Tree Farmhouse, Wades Green Stables, Garden Cottage, The Old Barn, Rosalie Farm and Woodpecker Cottage. The salient points raised in the objection letters are:

- The application site is located within the Green Belt where there is a presumption against development which does not maintain the openness. It is considered given the size of the proposal it does not accord with this policy;
- The noise/smell emanating from the building will have a significant detrimental effect on residential amenity;
- The stand alone building will be highly prominent and stark in appearance and as such will be out of keeping with the character and appearance of the area;
- The proposal is not for an agricultural use but a commercial enterprise and as such would be better located on a brownfield piece of land in a more appropriate area;
- The building due to its size and massing would be overbearing and incongruous;
- If the proposal is approved it could lead to more poultry units on the site or residential development;
- Great Crested Newts and other varieties are abundant in the local area and utilise the ponds;
- A number of trees have already been felled and removed from the site prior to the determination of this application;
- There is very little information regarding how the site will be drained and Eel brook may become polluted in time;
- The additional traffic servicing the proposal will have a detrimental impact on highway safety and local villages within the area;
- The proposal will be a visual intrusion into the open countryside and Green Belt;
- The proposal will lead to light pollution;

- There will be significant amounts of noise and disturbance generated from the proposal impacting on local residents;
- The hopper will be visually intrusive due to its size;
- The development is in a conservation area;
- We have difficulty in understanding how specific breeding for vaccine purposes falls within the category for agricultural purposes;
- What provisions have been made for the storage and removal of manure;
- We believe that the proposed specialised building will be redundant in a very short period because the market for the eggs to be produced is not sustainable in the long term. This is because the big vaccine producing companies including Baxter, Sonofi, GlaxoSmithKline and Novartis (C&K Wood's main customer) are all suggesting a move to cell culture methodology that does not require eggs at all. In particular we would point out that:

Novartis (and others) has licensed product produced using the cell culture method and their main vaccine division web page states that it is their future direction

There are numerous mentions of the UK and US governments and their drug license authorities requiring the new more scalable and reliable methodology for supporting pandemic supplies.

It is reported that it is these governments' flu pandemic vaccine orders that have mainly fuelled the egg production capacity increases to date. Novartis reported a 74% drop in demand for flu vaccine from 2009 to 2010;

The proposal would be better sited at Crowton Farm where there are already a number of units which are owned and operated by the applicant.

Letter from McDyre and Company on behalf of residents of Rosalie Farm, Willow Grange, Willow Tree Farmhouse and The Old Barn dated 24th May 2011.

- The production of eggs for vaccines does not fall within any of the categories for which essential development will be permitted in the open countryside, nor is it a use which is appropriate to a rural area or essential to have a rural location;
- The application site is not a small gap in an otherwise built up frontage;
- The proposed building due to its size and massing will have a significant detrimental impact on the character and appearance of the streetscene;
- The use of the building is not appropriate in this rural location as it is not an agricultural use;
- The building is in an isolated and remote location not adjacent to any other building within the immediate locality and as such does not comply with policy and exacerbates its prominence;
- The proposal will establish a new farmstead in the open countryside which could be expended at any time in the future;
- Placing such a large building in an isolated open field cannot be regarded as sympathetic in terms of its overall design. Nor can a building of this scale be appropriately landscaped without drastically changing the character of the area, which itself is inappropriate; and

- The use of the building and its size will have a significant detrimental impact on residential amenity in the area.

Email from Glynn Bridge (Agent) acting on behalf of residents of Rosalie Farm, Willow Grange, Willow Tree Farmhouse and The Old Barn.

- An application was refused in 2005 for a lambing shed on the same length of Minshull Lane in order *'to avoid a proliferation of buildings in the landscape'* and because *'the proposed building by virtue of its size and height would prove to be an unnecessary and incongruous feature in the open countryside'*. That proposal was less than 20% of the size of the proposal that is currently being proposed. If the current application is approved there is a significant level of inconsistency;

R. (On the Application of Winchester City Council) v Secretary of State for Communities and Local Government submitted by Glynn Bridge

- The above decision related to a Certificate of Lawfulness which was decided by a Judicial Review;
- The proposal related to a large poultry unit at Torbay Farm which was producing specific pathogen free (SPF) eggs for vaccine production at another site;
- The Council refused to grant a Certificate of Lawful Use or Development. However, the application was allowed at Appeal;
- This case considered whether the production of eggs was incidental to Vaccine production which occurred elsewhere and whether the Inspector has erred in law;
- The main issue raised in this Judgment was whether the production of disease free fertile poultry eggs to be used in the production of human and animal live vaccines amounted to an industrial process;
- It was accepted by all parties that the proposal did not constitute an agricultural use and it was confirmed that the primary use should be described as the production of SPF eggs through the breeding, hatching, rearing and keeping of poultry within a controlled environment;
- The primary purpose of the site was the production of SPF eggs and it was concluded that the proposal amounted to an industrial process.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Ludlam Associates dated February 2011)

- The site covers an area of approximately 3 hectares and is located at Wades Green, Minshull Lane, Church Minshull, Nantwich. The site is currently agricultural open land and is accessed from Minshull Lane. The site boundaries are demarcated by established hedgerows;
- The applicants are part owners of the nearby Crowton Farm, suppliers of fertile hatching eggs to CK Wood which are used for making vaccines. CK Wood presently imports eggs from France. They are hoping to source eggs from local suppliers in order to reduce transport costs and enable monitoring of production and quality;
- The proposal is to construct a poultry unit with an access road and service yard. The building is identical in construction to the poultry house at Crowton Farm;

- The proposed poultry house has a typical modern rural design for such types of agricultural buildings. It is clearly intended for a rural use and would not be suitable for conversion to dwellings;
- It would be size and height appropriate to its use. The building would measure 3.3m high to the eaves and 6.6m to the top of the ridge. 15 ventilation shafts would be positioned along the ridge and would be approximately 0.7m in height. The feed hopper would be sited next to the proposed building;
- The building would be sited approximately 90m back from Minshull Lane and it would be least 400m from the nearest residential properties;
- The development would be positioned behind an established hedgerow and trees which will provide some natural landscaping and screening from the road;
- There is a significant change in level with land sloping from north to south across the site. The proposed building is positioned in response to the sloping topography avoiding the need for major excavation works;
- There is also a requirement to provide a 6m easement for power cables that run east to west axis. This orientation of the building also minimises the potential visual impact by presenting the smaller gabled elevation to face the barn conversion 400m to the east;
- The materials are Plastisol coated steel panels. In terms of colour the elevations are in Country Green and the roof is Moorland Green;
- The poultry house would be accessed from Minshull Lane at the existing access gate. A new 6m wide agricultural track would be constructed. A hardstanding would be provided adjacent to the eastern elevation to provide parking and turning area for staff and delivery vehicles;
- The number of vehicles visiting the site would be minimal. One staff car daily with one feed lorry and two egg collections made weekly;
- Acoustic performance is vital to the design of the building. Standby power is provided by an auto start generator in an acoustic box which is 70db at 7m and therefore cannot be heard from off the site;
- Ventilation is provided by ridge fans and is fully automatic and computer controlled to create a constant internal temperature of 20 degrees. The fans are very quiet and cannot be heard from off the site. This type of deep litter housing does not create odour due to the low moisture content and deters flies;
- The cleaning and stocking of poultry houses takes place annually and takes two days. The manure is collected directly from the site by local farmers and is used as fertiliser. This sustainable practice of recycling a valuable bi-product of the farm minimises the environmental impact of waste from the proposal;
- A septic tank would be provided to the east of the building adjacent to the access track for foul waste and rainwater would be run-off to a soakaway;
- As part owners of separate poultry farming business the applicants are highly experienced and run a similar operation in Poole. They have never experienced problems with or received complaints from neighbours; and
- The applicants have an interested party to take supply from the poultry house as part of its contract farms.

Lighting Diagram (Produced by Cooper Lighting and Safety dated January 2010)

Various Emails from Mr. Hocknell (Applicant) and Mr. Ludlam (Agent)

- A neighbour has concluded that the business has a short life expectancy. However, Novartis vaccine production have been looking into finding alternative production methods for Vaccines for the 20 years and cell culture is possibly an alternative to using eggs, the process of making this change takes a number of years to trial, and needs to be certified by the American Government before being able to sell into the market. This process itself can take a minimum of 8 years;
- We are essentially poultry breeders and we have various alternatives available to us if there was a change to our present outlet;
- With exactly the same building and internal equipment we could go onto Broiler Breeders, Layer Breeders or Grand parent flock, or even with the forthcoming banning of the 'battery cages' all eggs produced for the supermarket chains are from barn egg production systems or free range;
- Our modern building satisfies all the legislation for barn egg production, presently any of our eggs that don't go to produce vaccines are sold into the barn egg market, we have DEFRA flock code that enables us to do this;
- The eggs which are to be produced are not SPF eggs

Protected Species Survey (Produced by Biota)

- The field is currently ploughed and is bounded on all sides by an intact species-poor hedgerow with occasional Oak and Ash standard trees. There are two ponds within the field, but no others detected within 250m in the adjacent fields;
- The pond is located in the middle of the arable field and contained little suitable vegetation that Great Crested Newts could utilise for egg laying. The HIS score for the pond is less than that for ponds normally associated with Great Crested Newts;
- The construction of the deep litter poultry unit and access road will not be detrimental to Great Crested Newts. The site is considered unlikely to support Great Crested Newts, but the survey was undertaken outside the optimal survey period;
- The deep litter poultry unit will be delivered to suit as a pre fabricated unit and erected. There will be a requirement for services to be taken to the building, so water and electricity will need to be fed to the unit. It is therefore recommended reasonable avoidance measures are undertaken; and
- Ponds with 250m of the proposed site for chicken rearing unit at Wades Green were assessed for their likelihood to support Great Crested Newts. The ponds were not considered suitable as breeding habitat for Great Crested Newts, however due to the season in which the survey was undertaken, reasonable avoidance measures are proposed.

OFFICER APPRAISAL

Principle of Development

According to Planning Policy Statement 4 – Planning for Sustainable Economic Development, Policy EC10.1 requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Paragraph 4 of the document states that 'economic development' includes not only Class B employment uses but all uses which provide employment and generate wealth. Planning applications that encourage sustainable economic development should be treated favourably. Furthermore,

recent Government guidance states that there should be a presumption in sustainable development and LPA's should take a positive approach to development.

Agricultural Use

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- 'horticulture, fruit growing, seed growing, dairy farming;
- the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);
- the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and
- the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'

There has been much debate about whether the proposed use of the building and land for the keeping of poultry where the eggs are to be used for vaccine production is an agricultural process. The objectors claim that the proposal is an industrial process and have made reference to the above Judicial review case. Furthermore, the objectors claim that if the Council determine that the use of the land/building to be an industrial process then the proposal is contrary to Local Plan policy.

The Torbay Farm decision was based on the poultry units producing SPF eggs, which are defined as *'hatching eggs, which are used for diagnostic procedures in laboratories, for the production and testing of vaccines and for research and pharmaceutical purposes and have to be marked with a stamp. SPF eggs are not fit for human consumption and must be produced in accordance with the valid European Pharmacopoeia, in which the requirements are defined'*.

The eggs which were produced at Torbay Farm were produced under sterile and clinical conditions. For example, a number of the units at the Farm were converted into sealed isolator units for the production of fertile SPF eggs. The flocks were housed in a fully microbiological environment, with pressured air supply, and a regular temperature was maintained. All materials entering/leaving the site passed through fumigation cells or two way chemical dumps. Poultry food was specially compounded vacuum packed and irradiated or gassed with methyl bromide. Staff entry to the units was via a complete shower and change procedure.

To ensure continuing status as a SPF flock 5% were blood tested each month in accord with the relevant protocol and each sample was tested for 22 different pathogens. Further clinical examination was carried out at least once a week to verify that the birds were free from fowl pox and signs of other infections. Any positive findings of disease meant the entire flock could no longer be designated as an SPF flock.

The applicant has stated that the design and management of the proposed poultry shed would be typical of many commercial poultry breeding farms and the eggs produced would

not be SPF eggs. The applicant acknowledges that the majority of the eggs produced will be used for vaccine production but a small proportion will enter the human food chain. Furthermore, the applicant claims that his birds have free access to nests, litter area, feed and water in the same way as in any other commercial barn egg production and as such the unit and birds would not meet the stringent requirements needed for a SPF flock.

It is noted that the SPF flocks are kept in a very strictly controlled environment, they are not vaccinated and are very intensively monitored, and whilst the conditions in which the applicant proposes to keep his flock is entirely different. It is considered that the way the birds are managed is no different to any other poultry shed, whilst it is acknowledged that the end user is different. Overall, it is considered that the way that the flock and eggs are produced/maintained is not the same as the Torbay Farm decision, therefore the parallels which can be drawn are limited.

If it is determined that the use of the building/land is for agricultural purposes the fact that the eggs to be produced are required for the pharmaceutical industry is not considered to remove the use from the definition of agriculture which includes the keeping of animals for fur and skins.

The applicants currently have poultry units where eggs are produced for the pharmaceutical industry at The Pinfold at Poole, and a number of other units within the Borough. However, the pharmaceutical industry requires large scale units in order to produce a large quantity of eggs. The fact that there may be other poultry farms in the area where this building could be sited is not a reason to refuse this application. Furthermore, the applicant has stated that his poultry units are located at various sites around the Borough in order to deal with possible disease management issues. Therefore, the issue is whether the proposed poultry unit meets the requirements for agricultural buildings and is acceptable on this site. Policy NE.2 and guidance in PPS 7 allow for agricultural development in rural areas. PPS 7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Whilst there are no existing buildings on this site, and Wades Green Farm is not an existing farming establishment, the use is related to another unit in the general area. Therefore, there are no objections in principle to the proposed use at this site.

Siting and Design

The building is the same as the poultry unit permitted at The Pinfold in 2008 under reference P07/1152 and at Crowton Farm under reference P09/0170. The proposed poultry unit will measure approximately 97.1m long by 26.7m wide (which equates to a floor area of approximately 2592.57m sq) and is 3m high to the eaves and 6.6m high to the ridge (excluding the ventilators). Located on the east facing elevation will be two large apertures and on the west facing elevation there will two personnel doors. According to the submitted plans there are no other apertures proposed. Internally the building will comprise staff room, office, toilets, egg room and the rest of the building is where the chickens will be located. The proposal will run parallel to Minshull Lane, the agent was advised that the building would sit more comfortably if it was located perpendicular to Minshull Lane. However, this was not feasible due to a variety of reasons, firstly, there is an electricity line which bisects the field and there is a 6m wide easement requirement. Secondly, the field has a gentle slope and locating the building at 90 degrees to Minshull Lane will require considerable earth

movements. The agent has stated that in this position there is an approximate 2m change in level across the footprint of the building. Although large in area, the design of the unit is typical of a modern poultry unit. Whilst the hopper will stand above the ridge of the roof, there are other hoppers at farms in the locality and across the Borough, of similar dimensions.

The building is sited some 135m from the dwelling known as 'The Loft', which is located to the east of the application site and the nearest building to the west is approximately 390m away. Located to the south of the application site is Minshull Road and open fields beyond that and to the north are open fields. A hedgerow to the east of the site of the proposed poultry unit and intervening trees (albeit quite sporadic) will provide some screening when viewed from the east. The pond, boundary hedge and trees will provide some screening when viewed from Minshull Lane. If planning permission is to be approved a condition for additional landscaping around the site will be attached to the decision notice and this will provide some additional benefits for wildlife and screening.

It is accepted that while the building will be clearly visible within the open countryside, it is not uncharacteristic of other large agricultural buildings which form part of the rural landscape.

Amenity

The unit will be managed in the same way as the poultry units at Crowton Farm and The Pinfold. The birds will be housed in 'deep litter' with a ventilation system which does not attract flies or result in odour problems. In the event that any flies were present daily inspection and collection of eggs will allow for any isolated flies to be treated with an insecticide. Following consideration of the details and on the basis of knowledge of the similar operations, the Environmental Health Officer has raised no objections to the development subject to a number of conditions. The ventilation system will not generate noise (and will be conditioned if planning permission is to be approved) which would adversely affect residential amenities bearing in mind the location of the dwelling relative to the site. The nearest dwelling is over 135m away and with the above controls, the proposed poultry units would not adversely impact on residential amenities in the locality, in respect of noise and odour. The poultry houses are emptied of manure once a year when the poultry are changed. It is understood that this operation is to be completed in 2-3 days and the manure spread on fields in the locality and will be conditioned accordingly.

Ecology

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

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

and provided that there is

- no satisfactory alternative and

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

It was noted that there was a couple of ponds within 250m of the proposed development and as such the proposal could have a detrimental impact on Great Crested Newts. Therefore, the applicant has submitted a Protected Species Survey to accompany the application. However, it is noted that the survey was undertaken outside optimal season for survey work. In any event, the conclusions of the report state that the ponds are considered unlikely to support Great Crested Newts. Pond 1 is isolated in the middle of the arable field and contained little suitable vegetation that Great Crested Newts could utilize for egg laying. The HIS score for the pond is less than that for ponds normally associated with Great Crested Newts. Pond 2 is heavily shaded and very eutrophic, resulting in a HSI Score of 0.31, which is below the threshold for ponds supporting Great Crested Newts. Given the nature of the development on arable land that is not typical Great Crested Newt habitat and lack of connectivity between the pond and the development footprint, the development will not have an adverse impact on the pond. However, the applicants ecologist recommends that reasonable avoidance measures are undertaken due to the time the survey was undertaken, and will be conditioned accordingly. All the other ponds which are within 250m of the application site are no longer in existence. It is now concluded that none of the ponds in close proximity to the proposed works are reasonable likely to support Great Crested Newts. Additionally considering the

nature of the surrounding land use it is unlikely that the proposed development would result in a significant loss of habitat. Consequently, the proposed development accords with policy NE.9 (Protected Species).

Air Quality

The proposal is located approximately 2.5km away from Wettenhall and Darnhall Woods SSSI. An important material factor is whether the proposal will have a detrimental impact that is likely to damage a SSSI (through pollution or other impacts). In order to assess what impact the proposal may have on the SSSI, the applicant has submitted an air quality assessment and colleagues in Natural England have confirmed they have no objection. However, they have requested that a condition is added advising the applicant of his responsibilities regarding the disposal of manure. However, it is considered that the most appropriate way of dealing with this issue is by an informative. Overall, it is considered that the proposal will not have a detrimental impact on air quality and the proposal is in accordance with policy NE.17 (Pollution Control).

Drainage

According to the submitted planning application forms the proposed method for drainage would be via a septic tank. Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Planning Policy Statement 25 (Development and Flood Risk) states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

Highways

The application site will be served by the existing access arrangement and a new track will be formed running parallel to the adjacent hedgerow. It is considered that there is sufficient on site parking and turning for vehicles, which will allow them to enter/leave in a forward gear and to be parked clear of the public highway. According to the applicants Design and Access Statement there will only be one staff car daily with one feed lorry and two egg collections weekly. It is considered that the proposal will generate negligible amounts of additional traffic. Colleagues in Highways have been consulted and they conclude that 'Providing that the visibility splays submitted with this application are achievable, there are no highways objections'. Therefore, it is considered that the proposal accords with Policy BE.3 (Access and Parking).

Other Matters

A number of objectors are concerned that if planning permission is approved for the proposed poultry shed it will create a precedent for other development with the locality. Furthermore, the objectors are concerned that if the application is approved there is a significant level of inconsistency as a much smaller lambing shed was refused planning permission in 2005, in a

similar location. However, whilst the concerns of residents are noted each application must be determined on its own individual merits. It is not considered refusing this application on a hypothetical situation is a sufficient justification to warrant a refusal.

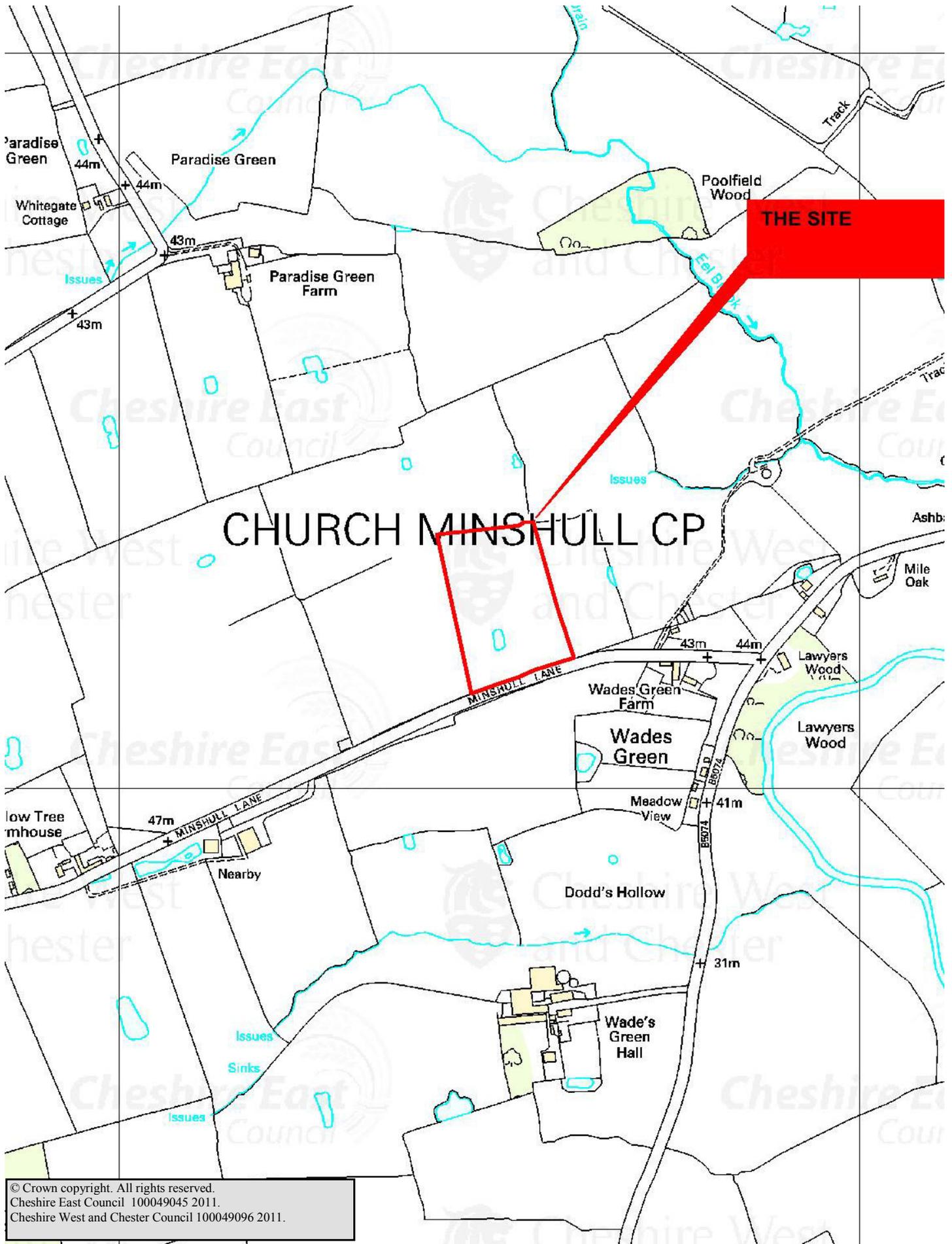
A number of representations make reference to the application site lying within the Greenbelt and Conservation Area. However, this is not the case and according to the Local Plan the whole of the application site is located wholly within the open countryside.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. The proposal will generate negligible amounts of traffic and the existing vehicular access and proposed turning area is sufficient and the development will not adversely impact on highway safety. The two ponds on the site are not considered to provide suitable habitats for Great Crested Newts. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Drainage**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**
- 7. Development to comply with Reasonable Avoidance Measures of Great Crested Newts Assessment Dated November 2010**
- 8. Hours of Construction**
- 9. External Lighting**
- 10. Method for the Control of Flies**
- 11. Treatment of Manure from Site**
- 12. Hours of Operation**
- 13. The Auto Start Generator and Ridge Fans to be Installed and Maintained in accordance with Manufacturers Instructions**
- 14. Visibility Splays**
- 15. Surfacing Materials**



This page is intentionally left blank

Application No: 11/1498C

Location: Ivanhoe, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP

Proposal: Demolition of Existing Buildings and Redevelopment of the Site for 11 Dwellings (Including 3 Affordable Units) with Associated Landscaping and Access Improvements

Applicant: Cranford Estates Ltd

Expiry Date: 23-Aug-2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle of Development
Housing Land Supply
Jodrell Bank
Residential Amenity
Ecology
Contaminated Land
Trees and Landscape.
Access and Highway Safety.
Affordable Housing
Design and Layout
Open Space

REFERRAL

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

SITE DESCRIPTION

The broadly rectangular site has an area of 0.465 ha and lies on the south western side of the main A54 Holmes Chapel Road. The site is abutted to the north and south by the modern residential developments of Broomfields and Holly Croft respectively. The site has a wide road frontage of 66 metres which then tapers back to 45 metres along the rear

(west) boundary. The site has a depth of 105 metres long the southern boundary adjacent to Hollycroft and a depth of 75 metres along the northern boundary abutting Broomfields.

The current use of the subject site is as an agricultural holding along with the existing dwelling of Ivanhoe positioned in the south eastern corner of the site. The site currently contains a variety of outbuildings and workshops in different states of repair along with a collection of machinery and equipment as is commonly found on such land uses but due to its main road frontage serves to detract from the overall character of the area.

DETAILS OF PROPOSAL

The proposal involves the demolition of all the existing buildings on the site and the erection of 11 dwellings, including 3 affordable units. The proposed dwellings would be a mixture of two-storey detached and terraced properties. Four of the proposed dwellings, comprising a terrace of three units, and a single detached property, would front on to Holmes Chapel Road. Whilst the remainder, which are all detached houses, would be arranged around a courtyard / cul-de-sac to the rear.

RELEVANT PLANNING HISTORY

36724/1	2004	Residential development – Refused
35428/1	2003	Residential development – Refused
23005/1	1991	One Bungalow Dwelling – Refused
13721/1	1981	One Dwelling – Refused

PLANNING POLICIES

National Policy

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

Regional Spatial Strategy

DP1 – Spatial Principles
DP4 – Make best use of resources and infrastructure
DP5 – Managing travel demand
DP7 – Promote environmental quality
DP9 – Reduce emissions and adapt to climate change
RDF1 – Spatial Priorities
L4 – Regional Housing Provision
EM1 - Integrated Enhancement and Protection of the Region's Environmental Assets
MCR4 – South Cheshire

Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing
E10 Re-use and redevelopment of existing employment sites

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy

OBSERVATIONS OF CONSULTEES

United Utilities

- No objection to the proposal provided that in accordance with PPS25 surface water is not allowed to discharge to foul/combined sewer.

Environment Agency

- No comments to make on this application.

Highways

The Strategic Highways Manager finds the development proposal acceptable and recommends that the following conditions and informatives be attached to any permission which may be granted for this development proposal.

Conditions:

1. Prior to first development the developer will provide a suite of detailed design and construction plans for the proposed junction and the internal adoptable roads to the satisfaction of the Local Planning Authority.
2. Prior to first occupation the developer will construct and complete the proposed junction with the A54 Holmes Chapel Road in accordance with the detailed suite of

plans described in Condition 1 and in accordance with Savell Bird & Axson Drawing No: N01967/05 Rev A. This will form part of the off-site highway works.

3. The developer will provide 2.0 metre footpaths along the frontage of the development with the A54 as part of the off-site highway works. This will form part of the off-site highway works.

Informatives:

1. The developer will enter into a section 38 Agreement under the Highways Act 1980 regarding the adoption of the new road and the agreement of the off-site highway works noted in Conditions 2 & 3.

Jodrell Bank

- The University of Manchester makes no comment on the above application.

Environmental Health

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Greenspaces Officer

Amenity Greenspace

- Whilst there is no requirement for new open space, a qualitative deficit has been identified in the existing open space accessible to the new development and in order to meet the needs of the new development,
- An opportunity has been identified for enhancing the quality of an existing facility at Brereton Heath Local Nature Reserve including drainage and improvements to the pathways around the perimeter
- based on the Council's Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;
 - Enhancement: £2,007.52
 - Maintenance: £4,493.50

Children and Young Persons Provision

- There would be a deficiency in the quantity of provision,
- There is a requirement for new Children and Young Persons provision
- As there is a quantity deficiency, on site provision would be required as there is little scope within the local vicinity.
- The only facility serving Brereton Parish is the community space at School Lane, Brereton Green. This is over the 800m radiums threshold, but is the only facility to serve Brereton. If contributions were sort from the developer to increase the capacity at Brereton Green community space instead of on site provision then contributions would be:
 - Enhancement: £ 3,479.66
 - Maintenance: £11,343.00 (25 years)
- If a small Local Equipped Area for Play (LEAP) is provided on site then it should be situated away from the junction and should have at least 3 items of equipment (including a multi-unit) for the 6 and under age range.

VIEWES OF THE PARISH / TOWN COUNCIL

- No objection provided highways check the junction for emergency vehicle access and any section 106 monies are allocated to the town for public realm.

OTHER REPRESENTATIONS

Representations have been received from West Lodge making the following points supporting the application:

- The present site is an eye sore and totally out of keeping with the residential development on either site.
- The proposed scheme will remove a nuisance and complete the residential frontage between the existing housing developments.
- The layout and house types are appropriate and will give the choice of smaller and less expensive units
- There is proven demand for affordable housing in the area, and the units included in the development will help to reduce that shortfall
- This type of Brownfield site should be utilised in rural areas to ensure that bona -fide Greenfield locations are protected.

APPLICANT'S SUPPORTING INFORMATION:

Planning Statement

- This statement has extensively described the proposed development and analysed it against the relevant national and local planning policies and guidance along with providing additional background details relating to the scheme such as the public consultations undertaken. It is concluded that the scheme is entirely acceptable in respect of all aspects including principle, density, privacy, amenity, design, layout,

access, landscaping and affordable housing and as such planning permission for the development can be granted accordingly.

Transport Statement

- The site is accessible by sustainable modes of travel with a bus service running directly past the site;
- There is an established network of footways located within the vicinity of the site providing links to the surrounding residential areas;
- Appropriate servicing facilities and car parking can be catered for within the development site.
- Traffic generated by the proposed development will have a negligible impact on Holmes Chapel Road and the surrounding highway network.
- In conclusion, there are no highway or transportation reasons why the proposals should not receive planning consent.

Tree Survey

- The site has one residential building and includes several storage facilities for farm animals, equipment and vehicles. The majority of trees and vegetation surveyed are classified as grade C with the expectations G14, G15 and T17 which are classified as grade B and are located offsite. The trees to the front of the site have been managed to prevent canopy growth into the overhead cables. The hedge along the Southern boundary provides a substantial screen to the boundary.
- All the trees on site are of an average quality and no tree preservation orders are registered against this site.

Ecological Survey

- Access for bats and roost potential was found to be low.
- No evidence of loft or crevice dwelling bat use.
- Demolition of the property will not result in the loss of high value bat roost potential
- The buildings are absent of typical nest places for barn owls and no evidence of the species was ground
- It is possible that other more common bird species may use the buildings at some stage
- There are no badger setts within the development area
- The potential of the pond for Great Crested Newts could not be assessed
- If it is suitable a full survey will be required.

OFFICER APPRAISAL

Principle of Development

The site lies within the Infill Boundary Line for the settlement of Brereton Heath, where, according to Policies PS6 and H6, limited development will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

Housing Land Supply

A previous planning application (36724/1 refers) was refused in 2004 on this site due to an oversupply of housing within Congleton Borough at that time. However, there have been a number of policy changes in respect of housing supply since that time. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

Jodrell Bank

Previous applications (36724/1 and 35428/1) on this site have also been refused due to impact on the efficient working of the radio telescope at Jodrell Bank. However, the University of Manchester has examined the current proposals and raised no objection. Therefore it is not considered that a refusal on the grounds of impact on Jodrell Bank could now be sustained.

Residential Amenity

The surrounding development comprises modern residential cul-de-sac development to the north and south sides, and open countryside to the rear. On the opposite side of the road lie open fields, that are currently utilised for equestrian purposes. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

Distances in excess of those recommended in the SPG will be achieved between plots 4 – 9 and the adjoining dwellings in Hollycroft to the South. The proposed dwellings are also located immediate to the north of the houses at Hollycroft, which will further reduce the potential for any impact on amenity resulting from loss of sunlight. The flank elevation to Plot 5 includes a first floor en-suite bathroom window and two ground floor windows serving a kitchen and dining area. Appropriate boundary treatment, which can be secured by condition, will ensure that there is no overlooking of neighbouring dwellings from the proposed ground floor windows, whilst an obscured glazing condition will be sufficient to avoid any loss of privacy from the first floor window.

Furthermore, an amended plan has been submitted showing the overall height of Plot 5 to be reduced to form a dormer bungalow. It is considered that this will further reduce the impact of Plot 5 on the existing properties to the south, and to improve the relationship with Plot 4.

To turn to the relationship with the properties at Broomfield, distances in excess of 21.3m will be achieved between the principal windows of Plot 11 and the existing houses at no.1 and no.5 Broomfield. Furthermore, the principal elevations of the existing and proposed dwellings will be at an oblique angle from each other. Similarly, the principal elevations of Plot 10 and no. 7 Broomfield are also not directly facing each other. A distance of over 30m

will be maintained between the principal elevations of Plot 10 and no.9 Broomfield and a distance of over 13.7m will be achieved between the flank elevations of plot 10 and no.7 Broomfield.

Plot 10 is similar in design, to Plot 5 and incorporates a kitchen and dining room window to the ground floor of the flank elevation, and similarly, an appropriate boundary treatment, will prevent any overlooking of the adjoining dwelling at no.5 Hollycroft. However it, unlike Plot 5, Plot 10 does not contain any first floor windows in the flank elevation.

The separation distance between these 2 houses, stands at 10m, at the closet point, which is measured between the Flank elevation of Plot 10 and the rear elevation of the two storey outrigger at the rear of no.5 Broomfield, which contains principal windows. Whilst this is below the recommended minimum distance, in this case, this reduction is considered to be acceptable as the two elevations are not directly opposing. The rear elevation of no.5 Broomfield faces south east, whilst the flank elevation of Plot 10 will face due north. Consequently, the windows in the rear elevation of the 2 storey outrigger referred to above will overlook the single storey garage element of plot 10. The Council's SPG states that in the case of single storey development the separation distance between a principal elevation and a flank gable can be reduced to 10m. It is therefore considered that this relationship will not result in any reduction in the level of residential amenity afforded to no.5 Broomfield.

To turn to the levels of residential amenity to be provided within the development, distances of 21.3m would be achieved between all the principal elevations, in the cases of Plots 9 and 10, and 7 and 11, the separation distance between flank and principal elevations will be reduced to approximately 10m. Whilst this is below the recommended standard, this will enable a more enclosed courtyard effect to be created, and will help to achieve a design which is more in keeping with manual for streets philosophy, which advocates tightly defined streets and spaces with pinch points opening out into larger courtyards or squares.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of the 3 terraced houses on the frontage, which will each benefit from a rear garden area of between 36 and 45sqm. They will also have small, gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered that a smaller area of amenity space can be justified for these dwellings, as they are much smaller, two bedroom properties, and are therefore less likely to be occupied by families with children.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would be considerably exceeded and in view of the other mitigating factors, it is not considered that a refusal on amenity grounds could be sustained.

Ecology

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

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

and provided that there is

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

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

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

Local Plan Policy [insert policy number and summary of content as appropriate]

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

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

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

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

In this case, the Council’s Ecologist has examined the application and is satisfied that there is no evidence of Bats and Barn Owls at the site and therefore no further action is required in respect of these two species.

There is no evidence of a badger sett being present on site. Based on the current status of badgers on site he is satisfied that the proposed development is unlikely to have an

adverse impact upon them. However, if planning consent is granted he recommends that a condition is attached requiring a further badger survey to be undertaken prior to the commencement of development as a precautionary measure. Similarly, if planning consent is granted standard conditions will be required to safeguard breeding birds.

Great Crested Newts are known to breed at a pond within 250m of the proposed development. No specific great crested survey has been undertaken in respect of this application, however the submitted ecological survey has identified that the site supports habitats that could potentially be utilised by this species. As no assessment of the likely impacts of the proposed development on great crested newts has been undertaken and no mitigation/compensation proposals have been provided it is currently not possible for the Council to assess the likely impacts of the proposed development upon this European protected species or to determine this application in accordance with its policy and statutory obligations.

However, the outstanding survey has been requested from the applicant and an update will be provided for Members either prior to, or at their meeting.

Contaminated Land

The proposed end use of the site is considered to be a “sensitive” use, and therefore an appropriate condition to secure a full ground investigation and any necessary mitigation measures is considered to be necessary. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of PPS.23 Planning and Pollution control and Policy GR.8 of the local plan.

Trees and Landscape.

The Senior Landscape Officer has examined the proposals and commented that there is existing vegetation on this site although nothing of significant public amenity value. In general, the proposed site layout appears to be reasonable and as proposed would only involve the removal of some poor specimens. Nonetheless, proposed plot 5 is very close to an early mature Sycamore tree and a privet hedge on the southern boundary. It would be impractical to retain these features with the dwelling in the position indicated. Whilst the sycamore, could be replaced as part of a landscaping scheme, the hedge provides valuable screening between the existing properties and the new development. Accordingly the applicant has provided a revised drawing showing greater separation between plot 5 and the hedge.

Plot 11 will need special construction techniques for the driveway to protect a retained tree to the north. This could be covered by condition. Protection measures would be required for retained trees and hedges and proposals are provided on TEP plan 03 B. Subject to the imposition of these conditions the proposal is considered to be acceptable in tree and landscape terms.

Access and Highway Safety.

The Council's Highways Engineer has examined the application and commented that the proposed access for this development is from the A54 Holmes Chapel Road, Somerford

and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale.

The developer provided a Traffic Statement through their highway consultant which, whilst providing the necessary acceptable technical data, also included a junction design of a scale and geometry that was not suitable.

The original junction proposal would have had too large a traffic capacity and was not acceptable for a development of only 11 dwellings. In negotiation therefore, the Strategic Highways Manager required the developer to amend the proposal to include for a junction design of a suitable and smaller scale and this amendment was provided in a revised traffic statement. The traffic generation from a site of this small scale is low – even in a rural environment such as this one. The development of the adjacent and very similar development of Broomfield has demonstrated that this type of junction in this rural environment does operate safely.

The revised traffic statement shows that there will only be a limited number of 7 two-way trips in the morning peak flow hour and 8 two-way trips in the evening peak hour. This level of traffic generation will have no material impact on the traffic capacity of the A54 and is acceptable to the Strategic Highways Manager as it is developed from robust trip rates.

The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development.

Affordable Housing

As the application for this site is for 11 units there would not normally be any affordable housing requirement on it, however as it is a rural windfall site in Brereton, where there is a population of less than 3,000 there is an affordable requirement on the site. The Interim Planning Statement for Affordable Housing states in section 3 under the heading Windfall Sites – Settlements of less than 3,000 population: PPS statement 3 'Housing' states that local authorities may wish to set lower minimum thresholds where viable and practical this approach is supported by the 2010 SHMA, subject to substantiating evidence.

It goes on to state that monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.

The site is located in Brereton which is in the Sandbach Rural sub-area. However it also borders Somerford which is in the Congleton Rural sub-area so the affordable housing would serve the affordable housing need for both areas. The Strategic Housing Market Assessment (SHMA) 2010 identifies that the combined annual affordable housing need for

the Sandbach Rural and Congleton Rural sub-areas is 11 units, and that there is a need for a mix of 1 bed, 2 bed, 3 bed and 4/5 bed units

The SHMA carried out in 2010 also stated that targets need to support a better mix of housing types in all locations and that in Cheshire East the largest proportion of additional affordable units are needed as social rent. As initially submitted the planning application indicated that 3 affordable units are proposed as 1 social rented unit and 2 intermediate tenure units. This is not in line with the Affordable Housing Interim Planning Statement, and in accordance with the current policy the units should be provided as a mix of 2 social rented units and 1 shared ownership units. The developer has been made aware of this issue and has agreed to this modification to the tenure split. It is therefore considered that the proposal meets the requirements of both PPS3 and the Interim Planning Statement in respect of affordable housing.

Design and Layout

The dwellings on plots 1 to 4 provide an active frontage to Holmes Chapel Road, with pedestrian access out on the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominant frontage. The corner property on plot 4 also includes a bay window and a large hall / landing window, to create a dual aspect to break up the mass of the gable and “turn the corner” into the proposed development.

The dwellings to the rear are laid out in two rows, facing each other across a central, parking and turning area. The courtyard layout of this part of the development is also reminiscent of the many converted farmsteads in the locality. This layout helps to create a sense of enclosure and community as well as natural surveillance of the parking and turning areas. This sense of enclosure is enhanced by the fact that the dwellings on plots 7 and 11 are stepped forward slightly to create a “gateway” and sense of transition between the frontage development and the courtyard to the rear, which make up the two parts of the site and have differing and distinct characters.

The proposed dwellings are 2 stories in height which reflects the surrounding developments to either side. It is therefore considered to be acceptable in street scene terms. Furthermore, it will help to knit together the two recent developments at Broomfield and Hollycroft, to create a continuous frontage to Holmes Chapel road and to help to consolidate the nucleus of the settlement which has developed over recent years around the junction of Brereton Heath Lane and Holmes Chapel Road.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Hollycroft and Broomfield and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Open Space

The applicant has confirmed that they are prepared to make the requested financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature

Reserve at Brereton Heath as they recognise the importance of such a valuable local recreational resource.

In respect of the children and young person's provision, the Greenspace Officer has suggested that a LEAP is provided within the site. However, such a provision within the site is considered to be impractical given the site configuration which does not lend itself readily to the accommodation of a LEAP and its associated buffer zone without removing at least two and potentially three of the proposed properties and potentially eradicating the affordable housing units. Furthermore, the provision of such a LEAP in the site would require it to be sited directly adjacent to the north or south boundary which would mean that it is directly adjacent to the rear garden boundary of existing residents on either Broomfields or Hollycroft which would give rise to potential noise and nuisance concerns. As such, the applicant has confirmed that they are prepared to accept the financial contribution (£14822.66) towards the off-site enhancement and maintenance of the area which the Greenspace Officer proposes.

CONCLUSION

In summary, the proposal is considered to be acceptable in principle, as it lies within the infill boundary line as designated in the local plan. It will assist the Council in meeting its requirement for a 5 year housing land supply and will promote economic growth. The proposal is acceptable in terms of its impact on Jodrell Bank and Residential Amenity. The Contaminated Land issue can be adequately addressed through conditions and the affordable housing requirement is being met on site. The design and layout is also considered to be acceptable and will enhance the character and appearance of the surrounding area.

There are a number of issues outstanding, but it is not expected that any of these would threaten the principles identified within the scheme, and therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

RECOMMENDATION

APPROVE subject to

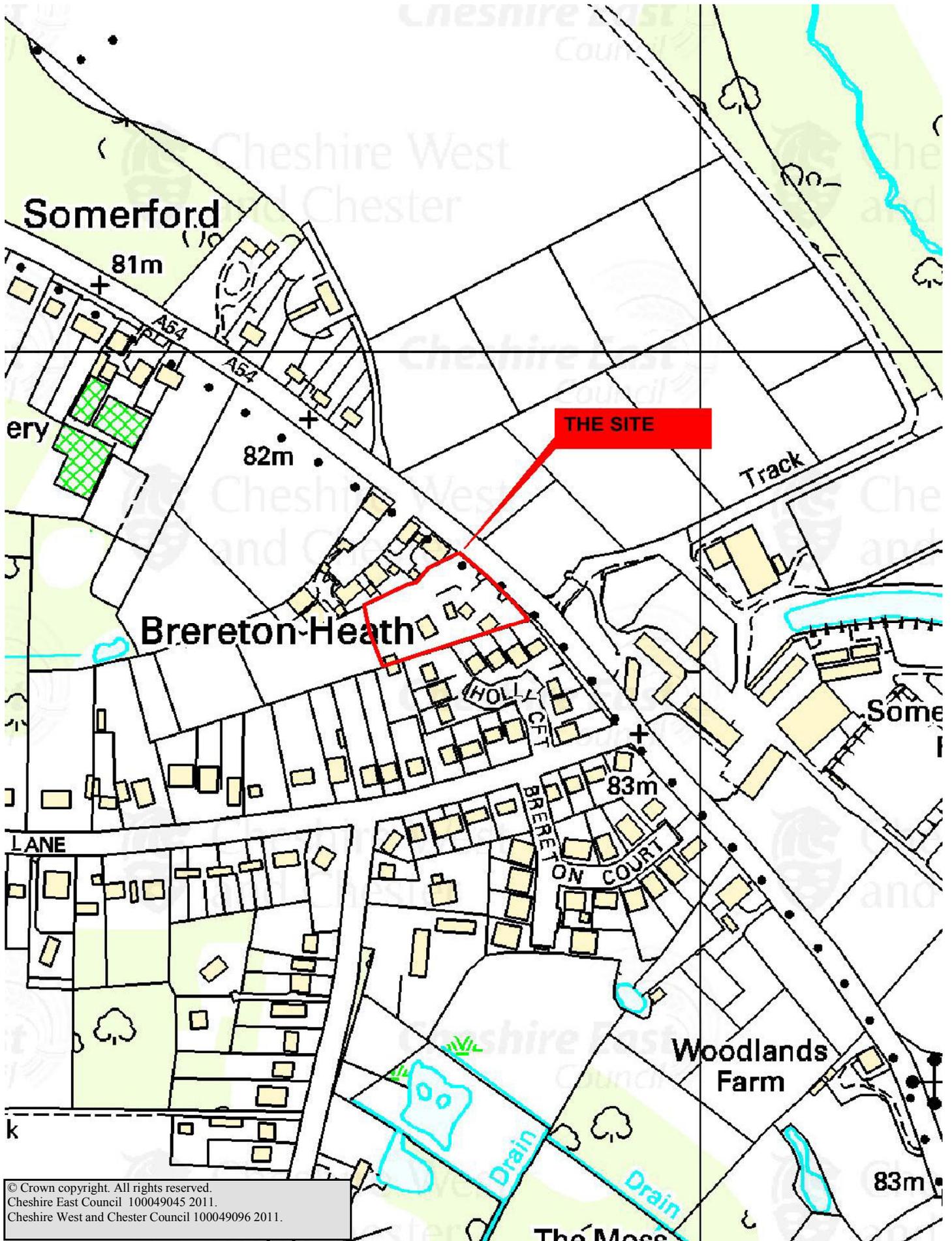
- **Receipt of additional information in respect of Great Crested Newts and confirmation from the Council's ecologist that the information submitted is satisfactory**

Signing of a Section 106 agreement making provision for:

- **Affordable Housing comprising 2 social rented units and 1 shared ownership unit.**
- **financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath**
- **financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green**

And the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials to be submitted and approved**
- 4. Obscured glazing to first floor window in south elevation of plot 5**
- 5. Submission of contaminated land investigation**
- 6. 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.**
- 7. Details of the method, timing and duration of any pile driving operations to be submitted and approved**
- 8. Landscaping to be submitted and approved**
- 9. Implementation of landscaping**
- 10. Implementation of boundary treatment**
- 11. Provision of carparking**
- 12. Construction of access**
- 13. Details of special construction techniques for driveway to Plot 11**
- 14. Scheme of tree protection to be in accordance with TEP plan 03B**
- 15. No works within protected area**
- 16. Updated badger survey to be undertaken prior to the commencement of development**
- 17. Protection of breeding birds.**



This page is intentionally left blank

Application No: 11/1542C

Location: 131, CONGLETON ROAD NORTH, SCHOLAR GREEN, ST7 3HA

Proposal: Change of Use From Garage/Shop, Workshop/ Car Sales and Dormer Bungalow to Warehouse/Showroom/Retail/Tradecounter and 4 Employment Units

Applicant: Mr K Oliver, Wharf Plumbing and Heating Supplies

Expiry Date: 25-Aug-2011

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of the Development
- Design and Scale
- Amenity
- Highways and Parking
- Landscaping
- Protected Species

This application is before Southern Planning Committee as it is for a small scale major development.

DESCRIPTION AND SITE CONTEXT

The application site comprises a residential bungalow, two-storey former car repair garage and petrol filling station and outbuildings. The commercial part of the site is no longer operational and the dwelling is no longer occupied. The site covers an area of approximately 0.3 hectares and has residential properties to the north, south and east beyond the main road. To the west of the site there are open fields and to the south west is the curtilage of the Bleeding Wolf Public House. The site has a relatively flat topography across the frontage but there is a fall to the rear of the site to a small watercourse that forms the rear boundary of the site. Access to the site is from Congleton Road North.

The majority of the site is classified as part of the Village inset in the Green Belt; however a small area to the west and north is classified as being within the South Cheshire Green Belt.

DETAILS OF PROPOSAL

This application is for the change of use of this site from a garage and shop, workshop and car sales and dormer bungalow to a warehouse, showroom, retail and trade counter and two additional employment units. The warehouse/showroom element of the application is to be used by Wharf Plumbing, an existing business, currently operating from Kent Green Works a site on Station Road in Scholar Green, adjacent to the Macclesfield Canal.

RELEVANT HISTORY

07/1148/OUT 2008 Outline approval for demolition of existing disused/decommissioned petrol station, garage and single residential dwelling. Erection of new health care centre and pharmacy extension.

POLICIES

National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPS7	Sustainable Development in Rural Areas
PPS9	Biological & Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
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
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

PS5	Villages inset in the Green Belt
PS7	Green Belt
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6	Amenity
GR7 & GR8	Pollution
GR9	Accessibility, Servicing and Parking Provision
GR18	Traffic Generation

GR19
NR2 & NR5
E4

Infrastructure
Nature Conservation
Employment Development in Villages

Other Material Considerations

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (i) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (ii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iii) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (iv) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS

Highways:

This development requires an improvement to the existing points of vehicular access, with construction in accordance with Cheshire East Council Highways specification. This will include for radius kerbs and tactile paving on the pedestrian desire line.

Environment Agency

No objection.

Environmental Protection:

Recommend conditions relating to contaminated land and noise during the construction period.

VIEWS OF TOWN/PARISH COUNCIL

No Objections subject to:

- i) land decontamination
- ii) updated wildlife surveys show no cause for concern
- iii) Industrial units are restricted to B1 usage
- iv) comprehensive planting scheme including frontage and boundaries

OTHER REPRESENTATIONS

Two representations have been received relating to this proposal.

The occupier of 137 Congleton Road North expresses support for the proposal subject to the use of sympathetic materials that blend into the landscape, retention of more of the existing vegetation and screening of the site during construction works.

Councillor Rhoda Bailey states that she has no objection to the proposals subject to requests from residents that there is no floodlighting and lighting is only used when the business is operational and that the employment units are limited to B1 use only.

KEY ISSUES

Principle of the Development

The majority of the site is contained within the village inset of Scholar Green where Policy PS5 requires that development on land not otherwise allocated for a particular use will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance. A small element of the site is designated as being within the South Cheshire Green Belt where proposals for development for employment purposes can be acceptable if they are for a small scale enterprise appropriate to a rural settlement or relate to an existing business.

Having regard to this proposal, the initial submission proposed four employment units, two of which encroached into land that has not previously contained buildings and is designated as Green Belt land. Following negotiations with the applicants these two units have been removed from the application.

The proposed warehouse/showroom/retail/trade counter would be sited within the land designated as Village Inset in the Green Belt. The applicants currently operate part of their business from another site in Scholar Green, which no longer meets the needs of the business and is not a building that could be easily extended. This proposal would allow the business to remain within the village, whilst allowing it to expand to meet its future needs. Policy E4 states inter alia that proposals for employment development in villages will be permitted where it is a small scale enterprise appropriate to a rural area or relates to an existing business. It is considered that the proposal is small scale and whilst the existing business does not currently operate from this particular site it is a local employer that already operates from a nearby site. As such it is considered that the proposal meets the requirements of Policy E4.

Having regard to the two new employment units, they would be sited within land that is designated as Green Belt. They would however be sited where there is an existing building that was used in association with the former employment uses that operated from the site. As

such, it is not considered that these units would be harmful to the Green Belt and would therefore not conflict with the guidance given in PPG2 (Green Belts).

Some parking is to be provided within the area designated as Green Belt; however this land is already part of this former industrial site and could be used for parking vehicles should the former business still be operational. In addition consent was granted in 2008 for a new health centre at the site and this included parking in this position. It is therefore considered that parking on this part of the site would not have an adverse impact on the openness of the Green Belt.

PPS4 (Planning for Sustainable Economic Growth) states that *“Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”*

Having regard to the issues that are outlined above, it is considered that the proposal is acceptable in principle.

Design and Scale

Policy GR1 requires that all development is of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, in addition Policy GR2 requires that proposals achieve a high level of design quality including the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Having regard to this proposal, the main building would be 28 metres wide, 24.2 metres deep with a roof 8.3m in height at the highest part. The walls would be faced with powder coated metal sheet cladding with the front elevation having glazed smooth plaster style finished panels providing interest to this facade.

The employment units to the rear would be in a block of two, which would be 14 metres wide, 9 metres deep with a pitched roof, 6.5 metres in height at the ridge.

The site currently contains buildings that are in a poor state of repair and are detrimental to the character and appearance of the locality. It is considered that the design and scale of the proposed buildings are acceptable and would represent an appropriate design that would deliver an improvement to the visual amenity of the area. The proposal is therefore considered to be in compliance with Policies GR1 and GR2 of the adopted local plan.

Amenity

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking.

There are dwellings to either side of the site and consideration should be given to the impact on their residential amenities. Having regard to loss of light, there are secondary windows in the side elevations of both dwellings, which, it is considered would not suffer any significant adverse impact from the proposed development. Having regard to the previous use of the

site, it is not considered that the proposal would lead to any significant additional impact on these properties in terms of privacy, traffic generation, noise or environmental disturbance.

In order to protect the amenities of nearby properties, it is considered that the hours of construction and operation should be controlled by condition. In addition the new employment uses should be restricted to B1 (office/light industry) use.

Subject to the recommended conditions being imposed and complied with, the proposal is considered to be in compliance with Policy GR6 of the adopted local plan.

Highways and Parking

The development would be provided with 31 parking spaces and has adequate space to allow all vehicles, including large delivery vehicles to enter and leave the site in a forward gear. Given that the former use of the site was capable of generating many vehicle movements, it is not considered that the development would lead to any significant adverse impact on highway safety. The Strategic Highways Manager has no objections to the proposal, subject to conditions requiring improvements to the vehicular access points to the site. The proposal is therefore considered to be in compliance with Policy GR9.

Landscaping

The site contains existing buildings and large areas of hard standing with some trees and hedging plants to the rear and adjacent to the boundary with the Bleeding Wolf Public House. One large Ash tree has been identified as being a good specimen that should be retained and protected during construction. It is considered that in order to ensure that the development has suitable planting provided on the boundaries, especially to the rear, a detailed landscaping scheme should be submitted for written approval and tree protection measures should be required for the Ash tree. In addition a condition should be imposed requiring details of other boundary treatments to be submitted for written approval.

Ecology

Evidence of limited bat activity in the form of what is likely to be a 'feeding perch' of a relatively common bat species has been recorded within the buildings at the site. This is likely to be limited to a single bat using the buildings for short periods of time during the night rather than as a roost in the day. The submitted ecology report recommends that the installation of bat boxes and access features for bats as a means of compensating for the loss of the 'feeding perch'. It is therefore considered that a condition should be imposed requiring compliance with the recommendations in the ecology report. A condition should also be imposed to ensure that breeding birds are not disturbed whilst the development is implemented.

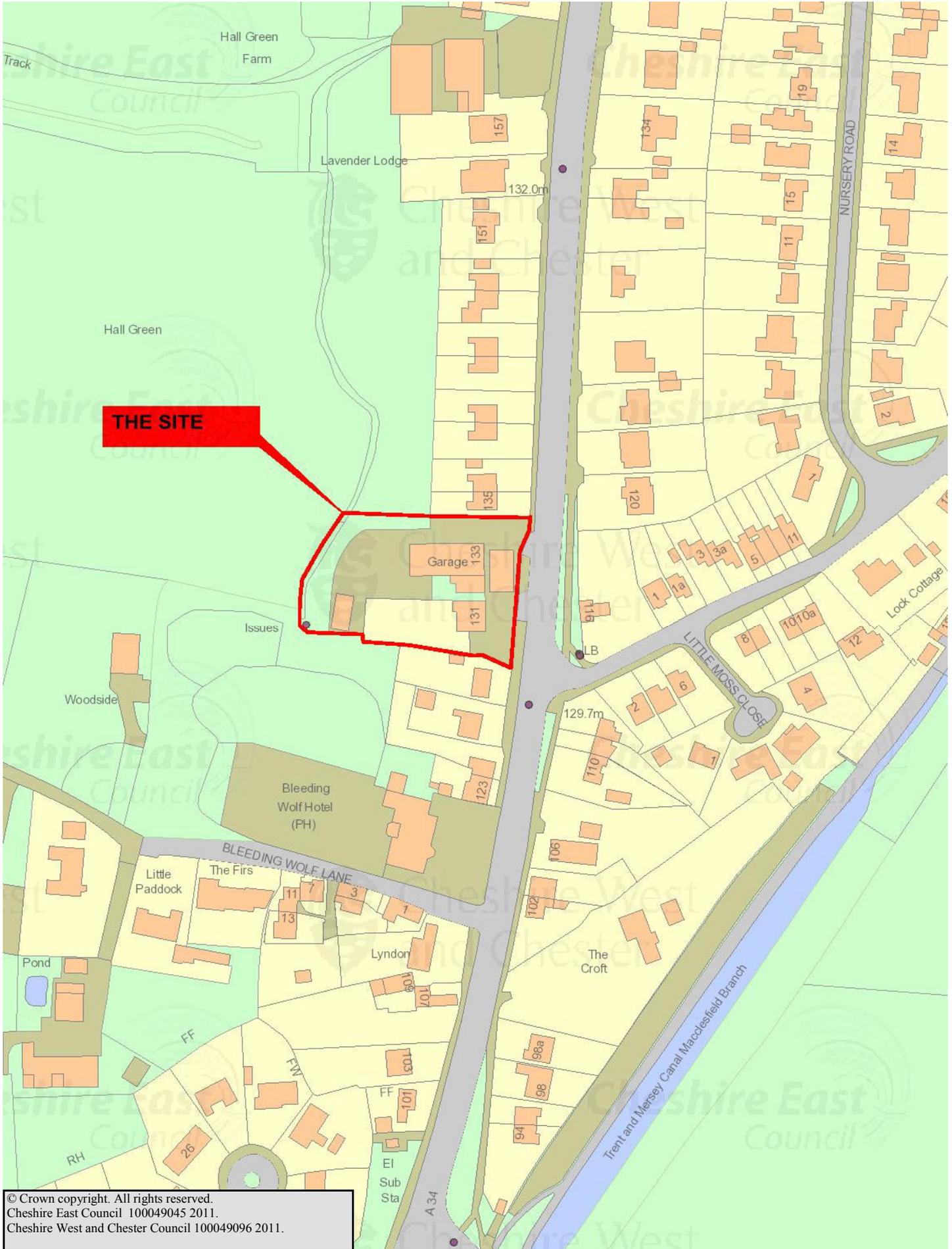
CONCLUSIONS

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan and national guidance, in relation to employment development, design, amenity, highway safety and ecology. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

Approve subject to the following conditions:

1. Time limit
1. Development in accordance with approved plans
2. Submission/approval of external materials
3. Submission/approval of details of vehicular accesses
4. Hours of construction – 0800 to 1800 Mon – Fri, 0800 to 1300 – Sat, no working on Sundays and public holidays
5. Submission/approval of details of any piling
6. Hours of operation – as detailed in the application
7. Submission of a Phase I contaminated land survey
8. Tree protection
9. Submission of a landscaping scheme
10. Implementation of landscaping scheme
11. Submission/approval of boundary treatments
12. Compliance with recommendations in the ecology report
13. Protection of birds during breeding season



Application No: 11/1662C

Location: LAND OFF ALEXANDRIA WAY, CONGLETON BUSINESS PARK,
CONGLETON, CW12 1LB

Proposal: Erection of 1 No. 3 Storey Extension to Gladman House and 9 No. 2
Storey Detached Offices. Plus Associated Parking, Bin Stores, Air
Conditioning Units and Services.

Applicant: Mr Kevin Edwards, Gladman Developments

Expiry Date: 25-Aug-2011

SUMMARY RECOMMENDATION: Approve with conditions

MAIN ISSUES:

- Principle of the Development
- Design and Scale
- Amenity
- Landscaping
- Ecology

REASON FOR REFERRAL

This application is only before Southern Planning Committee as it is for a small scale major development.

DESCRIPTION AND SITE CONTEXT

The application site comprises field 1.4 hectares in size. It is situated north of the existing business park, with the 'Airbags' factory to the west, a farm to the east and open countryside to the south. The site is designated as being within the settlement zone line of Congleton and as an employment commitment.

DETAILS OF PROPOSAL

This application seeks consent for the a three storey extension to Gladman House and the erection of 9, two storey detached office buildings, with associated parking, bin stores, air conditioning units and services.

RELEVANT HISTORY

07/0347/FUL 2007 Approval for erection of 3 storey extension to Gladman House and 8, two storey detached offices and associated services

30543/3 1999 Approval for extension to time limit for 23829/1

23829/1 1995 Outline approval for industrial park with B1, B2 and B8 uses.

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS7 Sustainable Development in Rural Areas
PPS9 Biological & Geological Conservation
PPG13 Transport
PPS22 Renewable Energy
PPS23 Planning and Pollution Control
PPG24 Planning and Noise

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
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
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

PS5 Towns
GR1 General Criteria for Development
GR2 Design
GR4 & GR5 Landscaping
GR6 Amenity
GR7 & GR8 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR18 Traffic Generation
GR19 Infrastructure
NR2 & NR5 Nature Conservation
E3 Employment Development in Towns

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies(which may, where relevant, include matters such as job creation and business productivity);*
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development, this states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS

Highways:

None received at the time of report writing.

Environment Agency

No objection subject to conditions relating to flood prevention.

United Utilities

No objection subject to conditions relating to drainage.

Environmental Protection:

Recommend conditions relating to contaminated land and noise during the construction period, hours of operation and noise levels when operational.

VIEWS OF TOWN/PARISH COUNCIL

No objection.

OTHER REPRESENTATIONS

One representation has been received from the occupier of Home Farm, Hulme Walfield, requesting that a tree screen, as required by the original planning permission for the business park, be conditioned on this application.

KEY ISSUES

Principle of the Development

The site is contained within the settlement zone line of Congleton where there is a presumption in favour of development. It was also identified as an employment commitment in the local plan. In 2007 an application was approved for an extension to Gladman House and the erection of 8 office buildings at the site (07/0347.FUL), and this scheme is almost identical except for the units at the southern side of the access to the site, which was previously shown as one larger unit. The proposal is therefore considered to be acceptable in principle.

Design and Scale

The proposed three-storey extension to Gladman House would be attached to the northern side elevation of the existing building and would alter the shape of the building from an 'L' shape to a 'T' shape. It would be 25.5 metres in length, 14.5 metres wide with a roof height the same as the existing building. The design and materials would mirror those on the existing building and are considered to be acceptable.

The 9 two-storey office units would be of a conventional hipped roof design and would comprise two different types. The G2K units would be a semi-detached office unit housing two offices with full height glazing to the entrance lobbies and stairwells with individual windows positioned evenly around the remainder of the building to both ground and first floor. The facing materials would be brickwork and roof tiles to match the existing development to

the south. The G5K units would be 'T' shaped, with full very similar glazing to the G2K units and again with facing materials to match the existing development to the south.

It is considered that the design and scale of the proposed development is acceptable and would sit well within the site and the local area in compliance with Policies GR1 and GR2.

Amenity

The nearest residential properties to the site are in excess of 100 metres away, therefore it is not considered that the proposed buildings would have any adverse impact in terms of privacy or overshadowing.

The site is within 250 metres of a known landfill site and as such Environmental Protection have recommended a condition requiring a Phase II contaminated land investigation to be carried out in order to protect the end users of the site. In addition they also recommend conditions to protect nearby properties from noise during the construction process and when operational and hours of operation. All but one of these conditions are considered to meet the six tests in Circular 11/95 however it is not considered that restricting the hours of

operation of these office buildings would be reasonable given the distance that would be maintained between them and nearby residential properties.

Landscaping

The original outline approval at the site required a landscaped buffer strip with a belt of screen planting and it is considered that this proposal should also include this requirement. To this end it is recommended that conditions be imposed requiring the submission and implementation of a landscaping scheme.

Ecology

With regard to ecological issues, a report was submitted with the application and subsequently further surveys were carried out. The survey recommends that the hedgerow on the northern boundary be retained and a 2m buffer provided adjacent to it. As such it is recommended that a condition be imposed requiring this and in addition on to protect birds during the breeding season.

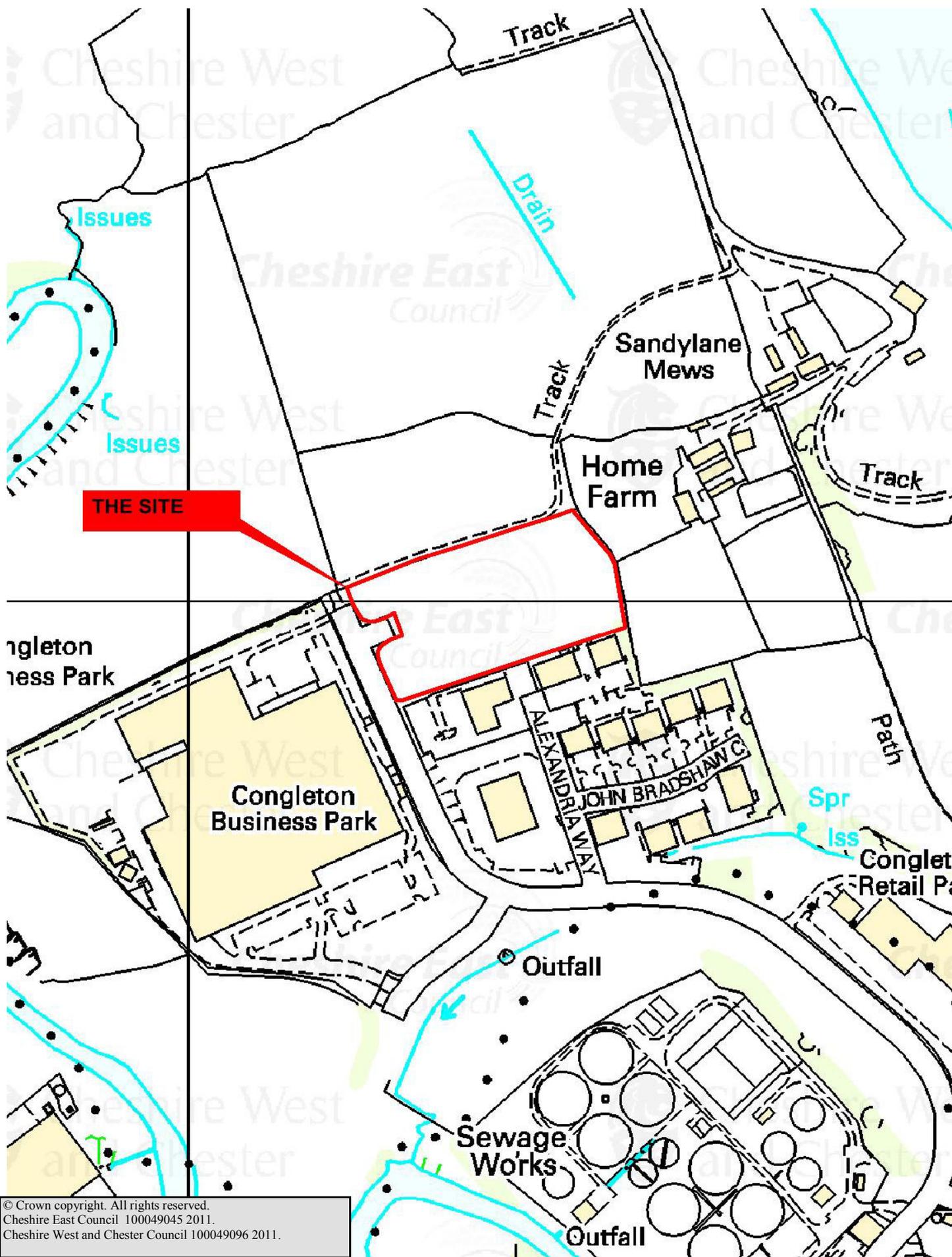
CONCLUSIONS

In conclusion, the site is within the settlement zone line of Congleton in the adopted local plan and the proposed development complies with the relevant policies contained within that document, in relation to employment development, design, amenity, highway safety and ecology. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Time limit**
- 2. Development in accordance with the approved plans**
- 3. Prior approval of materials**
- 4. Submission and approval of landscaping scheme**
- 5. Implementation of approved landscaping scheme**
- 6. Submission/approval/implementation of a scheme of boundary treatments**
- 7. Submission/approval/implementation of details of 20 secured cycle stands**
- 8. Submission/approval/implementation of a travel plan**
- 9. Submission/approval of a Phase II contaminated land survey**
- 10. Hours of construction**
- 11. Details of piling**
- 12. Noise levels**
- 13. Protection of birds during the breeding season**
- 14. Retention of hedgerow and provision of 2m buffer on the northern boundary**



Application No: 11/2001N
Location: 10, GLENDALE CLOSE, WISTASTON, CW2 8QE
Proposal: First Floor Extension over Existing Garage to Side of Dwelling
Applicant: Mr J Baker
Expiry Date: 22-Jul-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Procedural Matters;
- Principle of Development;
- Design; and
- Amenity

REFFERAL

This application was to be determined under the Councils scheme of delegation. However, the application has been called in by Cllr Simon on the grounds of 'over domination of neighbouring property and visual intrusion on neighbouring property resulting in loss of light'.

DESCRIPTION OF SITE AND CONTEXT

The applicants property is a relatively modest two storey detached property located at the end of a cul-de-sac and is constructed out of facing brick under a concrete tile roof. Located at the side of the property is a single storey outrigger, which is well set back from the front elevation by approximately 4.5m and projects out 4.5m beyond the rear elevation. The applicants rear garden is relatively large and is enclosed by a 1.8m high close boarded timber fence. The applicant's property is flanked on three sides by other residential properties and the access road on the remaining elevation. The application site is located in a wholly residential area and is within the settlement boundary of Crewe.

DETAILS OF PROPOSAL

This is a full application for a first floor side extension at no. 10 Glendale Close, Wistaston. The proposed extension will measure approximately 3.6m wide by 3.6m deep (at the widest points) and is 5m high to the eaves and 6.1m high to the apex of the pitched roof (as measured from ground level). The front elevation of the proposed extension is set back approximately 4.5m and the rear elevation ties in with the host property.

RELEVANT HISTORY

P05/0402 – Demolition of Existing Garage and Erection of Single Storey Side and Rear Extension – Approved – 13th May 2005

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

SPD - Extensions and Householder Development

CONSIDERATIONS (External to Planning)

None Consulted

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council raised no objections on the above planning application, however, having viewed the proposed extension from the rear first floor of 38 Langdale Road, it shows us that the existing plan we were sent is incorrect.

The property at number 10 Glendale Close does not have a detached garage as shown but already has a large ground floor extension with integral garage. This we are informed is the original garage but the recent attached extension already reaches the boundary of 38 Langdale Road.

In our view the proposed first floor development at 10 Glendale Close will over dominate 38 Langdale Road.

OTHER REPRESENTATIONS

One letter of representation received from the occupiers of no. 38 Langdale Road. The salient points raised are:

- The visual intrusion from our kitchen and bedroom windows will result in loss of light; and
- The over dominance of part of our property will cause loss of amenity in our rear garden.

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted with the application

OFFICER APPRAISAL

Procedural Matters

The objector makes reference to the location plan submitted with the application is incorrect. According to the submitted location plan the applicants garage is clearly shown detached from the host property. However, following a site visit the case officer can confirm that the original garage has been demolished and replaced with a single storey side extension, which is attached to the side of the applicants property. The case officer advised the applicants agent about the discrepancy and requested whether there was a more up to date location plan. However, the agent has confirmed that the submitted location plan is the most up to date and has been provided directly from Ordnance Survey. Whilst the case officer acknowledges there is a small discrepancy in the location plan it is not considered that neighbours have been unduly prejudiced and there is insufficient justification to warrant a refusal.

Principle of Development

The principle issues surrounding the determination of this application are whether the development would adversely impact upon the residential amenity of neighbouring properties and would respect the pattern, character and form of the surroundings, in accordance with policies RES.11 (Improvements and Alterations to Dwellings), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

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. It is the opinion of the case officer that this proposal does not detract from the character of the host property and will not have a detrimental impact on the appearance of the area and is accordance with advice stated within PPS 1.

The recently adopted SPD entitled 'Extensions and Householder Development' is another material planning consideration. This document builds upon guidance given above and advocates good quality design

Design

The proposed extension will be erected above the existing single storey extension, which is located at the side of the applicants dwellinghouse. According to the submitted plans the proposal will measure 3.6m wide by 3.6m deep and is 6.1m high to the apex of the pitched roof (as measured from ground level). The eaves of the extension are at the same level as the eaves on the host property, whilst the ridge of the extension will be set down from the ridge of the host property. It is considered to be good design practice for most extensions to appear subservient to the host property, it is considered that the proposed extension achieves this aim, given that the ridge is set down and whole of the proposed extension is set back and the width of the extension is not disproportionately large in relationship to the host property. According to the application forms the proposed extension will be constructed out of facing brick under a tile roof and this will be secured by condition, if planning permission is to be approved.

On the front elevation of the extension will be a large window with exposed cill details. The glazing bar pattern, proportions and scale of the proposed window are similar to the existing windows on the host property. Overall, it is considered given the design and proportions of the proposed fenestration will not appear as alien or obtrusive elements, which would otherwise have a detrimental impact on the character and appearance of the host property. According to the submitted plans no apertures are proposed on the side elevation of the proposed extension. Located above the proposed window is projecting gable element similar to the existing property and a string course is proposed on the front elevation, which helps to break up its massing. On the side elevation of the existing outrigger facing no. 9 Glendale Close a personnel door is proposed with projecting canopy. No other apertures are proposed and it is considered prudent to withdraw permitted developments to prohibit any new openings.

It is not considered that the proposed extension would dominate or overwhelm the existing dwelling, or be read as a particularly prominent or obtrusive feature and as such the proposal complies with policy BE.2 (Design Standards).

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are no's 9 and 11 Glendale Close and 38 and 40 Langdale Road.

The proposed extension will have a marginal impact on the residential amenities of the occupiers of no. 9 Glendale Close, which is located to the east of the applicants property. This property (no. 9) is at a slight angle in relationship to the applicants dwellinghouse. It is considered given the design and orientation of the proposal will not result any loss of privacy or over domination and the proposal complies with Policy BE.1 (Amenity).

It is considered that the proposal would have a negligible impact on the residential amenities of number 11 Glendale Close, which is located to the west of the applicants property. According to the submitted plans it is noted that the whole of the proposed extension would be screened by the host property, which will help to mitigate any negative externalities.

Located to the south of the application are no's 38 and 40 Langdale Road and there is a distance of approximately 9m and 10.5m (respectively) separating the rear elevations of these properties from the rear elevation of the applicants property. It is noted that the applicants property is located to the north of these two properties and it is considered given the orientation and juxtaposition of the properties the proposal will not result in over shadowing or have a over bearing impact. As previously stated there are no windows proposed in the rear or side elevations of the proposal and a condition removing PD rights will be attached to the decision notice.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would not significantly impact upon the surrounding neighbouring amenity and the design of the proposal is in keeping with the character of the host dwelling and the street scene and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within PPS 1: Delivering Sustainable Development.

Approve subject to conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Remove PD Rights**



© Crown copyright. All rights reserved.
Cheshire East Council 100049045 2011.
Cheshire West and Chester Council 100049096 2011.

Application No: 11/2018C

Location: SAXON CROSS, HOLMES CHAPEL ROAD, SANDBACH, CW11 1SE

Proposal: DEMOLITION OF EXISTING HOTEL ON THE SITE. CHANGE OF USE FROM A CATEGORY C1 DEVELOPMENT TO A MIXED USE OF CATEGORY B1 AND B8. CONSTRUCTION OF A SINGLE-STOREY OFFICE BUILDING AND WAREHOUSE BUILDING. NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT, INCLUDING RELOCATION OF VEHICULAR ACCESS

Applicant: MR JONATHAN BOLSHAW, BOLSHAW INDUSTRIAL POWDERS

Expiry Date: 25-Aug-2011

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **The impact upon the character and appearance of the site and the wider Open Countryside**
- **The impact upon neighbouring amenity**
- **The impact upon highway safety**
- **Parking provision**
- **The impact upon protected species**

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee as it involves development of over 1000sq.m.

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the western side of Holmes Chapel Road within the Open Countryside. The site is currently occupied by the former Saxons Cross Motel which now stands derelict. The Saxons Cross Motel is a mainly single storey flat roofed building with a small two storey section to the front of the site. The site is surrounded by open fields with the M6 to the rear. The site includes a number of trees of varying quality most of which are located towards the sites boundaries.

DETAILS OF PROPOSAL

The proposal is for the erection of a single storey office building to the front of the site that would have a length of 35 metres, a width of 12 metres, an eaves height of 3.4 metres and a ridge height of 6.1 metres.

To the rear of the site the application includes a warehouse which would have a length of 48 metres, a width of 21 metres, an eaves height of 6.2 metres and a ridge height of 9 metres.

The application includes the relocation of the access to the south of the site and an area of car parking to the north-east corner of the site.

RELEVANT HISTORY

11/0551C - Demolition of existing hotel on the site, change of use from a category C1 development to a mixed use of category B1 and B8. Construction of a single storey office building a small security building and warehouse building, new hard landscaping associated with the proposed development including relocation of vehicular access – Withdrawn

POLICIES

Development Plan policies

Local Plan policy

PS8 – Open Countryside

GR1 – Design

GR2 – Design

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

E5 – Employment Development in the Open Countryside

NR1 - Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

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

MCR4 – South Cheshire

National policy

PPS1: Delivering Sustainable Development

PPS4: Planning for Sustainable Economic Growth

PPS7: Sustainable Development in Rural Areas

Other Material Planning Considerations

Planning for Growth

CONSULTATIONS (External to Planning)

Environmental Health: Conditions requested in relation to air quality, pile driving, hours of construction and contaminated land.

Strategic Highways Manager: This application has been the subject of detailed pre-application discussions which determined the necessary highway evidence and access improvements. The proposal is accompanied with a Traffic Statement which gives robust evidence that traffic generation will not at any time exceed that likely from the existing use-class for the site and that overall traffic will be reduced by 20%. In addition the new access provides improved visibility and turning movements in place of the current access arrangements and this is also accepted as betterment for the site. The Strategic Highways Manager recommends that the following conditions and informatives be attached to any permission which may be granted for this development proposal:

- Condition:- Prior to first occupation the vehicle parking layout will be provided in accordance with Architectural Design Drawing No: AD1991.01H (19-11-2009).
- Condition:- Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with Architectural Design Drawing No: AD1991.01H (19-11-2009)
- Condition:- Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway.
- Informative:- To ensure appropriate levels of control and to protect the Authority against Part 1 claims, the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980, with Cheshire east Council Highways Authority.

Highways Agency: No objection subject to the following conditions; the site should not drain onto the motorway, the works should not put the motorway embankment at risk

OTHER REPRESENTATIONS

No representations received.

PARISH/TOWN COUNCIL

Sandbach Council: No objection. However, Members reiterate their request for improvements at M6 Junction 17; proposed developments such as this will greatly increase traffic use in an area with significant traffic congestion and safety problems.

Brereton Parish Council: Brereton Parish Council are supportive of the planning application but would like reassurance that the increase of traffic on the junction with the A534 has been properly taken into consideration. Does the Council or the developer have any plans to improve the junction to cope with the increase in traffic?

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement (Produced by Architectural Design and dated 1st February 2011)

- The Saxons Cross Motel was built in the early 1970's and has been vacant since 2008 when it ceased to trade
- The site was purchased in 2010 by Bolshaw Industrial Powders who wish to move Bolshaw Industrial Powders Distribution from its current location at Harrop House Farm, Rainow, Macclesfield to the Saxons Cross site. This is to enable a more sustainable and economical distribution of their bagged lime products mainly to agricultural customers
- The existing hotel has a footprint of 2002sq.m and the proposed buildings would have a footprint of 1439sq.m. This is a reduction in the footprint of the buildings on the site by 562sq.m
- The proposed office building runs north to south and is set parallel to the road with its main entrance facing the interior of the site
- The warehouse runs east to west away from the line of trees to the north of the site with hardstanding to the south and west
- The operation of the warehouse is masked by the positioning of the office building to the east of the site
- The office and warehouse building have been designed to work in tandem with the ridge height of the office at the same height as the eaves height of the warehouse. This in conjunction with the new landscaping is intended to reduce the impact of the warehouse building
- The proposed scheme has been designed to sit comfortably in its rural location and to 'signpost' its industrial use. It promotes and enhances the rural landscape.
- The proposed new access is to be relocated 48m to the south of the existing access providing 160m visibility in both directions. This is far greater visibility for vehicles turning right into the site than for the existing situation.
- The proposed development will utilise the local and national road infrastructure and will reduce transport times for Bolshaw Powders

Transport Statement (Produced by Singleton Clamp & Partners dated 20th January 2011)

- The proposed redevelopment of the Saxons Cross Motel would result in a reduction in traffic movements at the site access. Notwithstanding this benefit a revised access is proposed for the site which would bring about further significant benefits to the safety of the site access arrangements. For these reasons there are no highway, traffic or transport reasons to resist the proposed development.

Updated Ecological Appraisal (Produced by FPCR and dated May 2011)

- The buildings on the site were considered to have a low potential for use by bats and no evidence was found during the internal and external assessments
- Two nocturnal surveys found that bat activity was generally quite low and a single Soprano Pipistrelle was recorded entering a roosting site in the roof of the two-storey building
- A total of 5 trees were considered to have a low bat roost potential
- No evidence of Badger setts or foraging activity was noted anywhere within the survey area
- No ponds were recorded within or adjacent the survey area. However two wet ditches were present along the northern and eastern boundaries of the site. The eastern ditch is considered to be unsuitable breeding habitat. The recently cleared northern ditch may have provided suitable habitat prior to vegetation clearance given the size and nature of this feature and the signs of recently cleared material giving an indication that the ditch had contained marginal bankside vegetation. No evidence of GCN was recorded during any of

the 4 surveys and there appear to be no statutory constraints to development in relation to this species.

- No evidence of Water Vole such as tracks, droppings or feeding signs was recorded
- The presence of a small number of barn owl pellets within one building suggests recent use by a single roosting bird. No signs of breeding were found and no evidence was found in any other buildings on the site.
- No evidence of potentially suitable habits for any other protected, rare or notable species were recorded.

Arboricultural Statement (Produced by Cheshire Woodlands and dated 2nd February 2011)

- This arboricultural statement rates the trees on the site as follows;
 - Three trees of high value retention category
 - Four trees of moderate retention category
 - Two trees of low value retention category
 - One group of trees of moderate retention category
 - One group of trees of moderate/low retention category

Phase 1 Desk study Report (Produced by CC Geotechnical Ltd)

A Phase 1 Contaminated Land Assessment has been produced. This is available to view on the planning file.

OFFICER APPRAISAL

Principle of Development

The application site stands on the western side of Holmes Chapel Road, in close proximity to Junction 17 of the M6. The application site is located within the open countryside. Policy E5 allows for the redevelopment of an existing employment site where the proposal is for a business enterprise appropriate to the rural area.

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 the redevelopment of a derelict business site within the open countryside, the development would therefore comply with Policy E5 and PPS4.

Members should also note that on the 23 March the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which will be published in the forthcoming National Planning Policy Framework.

Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as an overly protective stance and towards a much more positive approach to development.

As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”

Amenity

The nearest residential property would be a residential property known as Nutwood which is located to the south of the site. Given that there would be a distance of approximately 80 metres from the nearest point of Nutwood to the application site and due to the fact that the property is within close proximity to the M6 it is considered that the proposed development would not have such a significant impact upon residential amenity 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 due to the separation distance, the proximity of the M6 and due to the fact that the Environmental Health Officer has raised no objection to the development. It is considered that the development would not have any detrimental impact upon the adjacent residential properties.

Given the size of the proposed units and the level of vehicular movement from the former motel 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.

Design

The proposed development includes two buildings an office building and a warehouse building. The smaller office building would be located to the front of the site. This building would have a simple rectangular form with a pitched roof. It is accepted that the building would face into the site. However when viewed from the south and the new access road the southern gable would include a fully glazed gable. This gable would guide visitors to the rear courtyard where access would be gained to the building. The front elevation would include a number of windows which would help to break up its bulk and a new hedgerow would be planted along the road frontage. This would help to screen the proposed building.

The warehouse building is of a utilitarian design and would have a pitched roof with roller shutter doors to its southern elevation. It is considered that this building would have an appearance of a modern agricultural building and would not appear out of character in this rural area. It should also be noted that the taller warehouse building is located behind the more interesting office building which would help and screen it from view.

As a final point it is considered that the proposed development would improve the visual appearance of the site as the existing Motel is of no architectural merit and lies derelict following a spate of vandalism.

Highways

This application proposal is supported by a Traffic Statement which identifies traffic generation for the existing use and for the proposed development use. The figures contained within the report have been validated and accepted by the Strategic Highways Manager. These figures demonstrate that the proposed use would show a 20% reduction in traffic generation when considered against the potential for the existing motel. In addition, the development proposes the construction of a new access to provide for the necessary turning movements and to improve visibility to a standard acceptable under the requirements of the Design Manual for Roads and Bridges.

Concern has been raised over the increased vehicular movements on the site upon highway safety. However as part of this application the Strategic Highways Manager 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.

Ecology

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

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

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

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

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

The submitted ecological survey identifies that a roost of a relatively common bat species has been recorded at one of the buildings proposed for demolition as part of this development. The building is likely to be used by a single bat for short periods of time.

In terms of the 3 tests, it is considered that;

- There are no satisfactory alternatives as the existing building which is to be demolished is in a poor state of repair and detracts from the character and appearance of the open countryside.
- The derogation is not detrimental to the maintenance of Bats as the site supports a minor roost of a single or small numbers of bats of a common species which are most likely roost for short periods of time. Appropriate mitigation will be secured as part of the proposed development.
- There are imperative social and economic reasons of overriding public interest as the development would improve the appearance of this site and bring this employment site back into use.

The assessment of the impacts of the development on Barn Owls is acceptable. It appears unlikely that Barn Owls are breeding at this site and the conclusion that the site has been used for brief periods by a single bird is reasonable. Consequently, the proposed development would not have a significant direct impact on Barn Owls. The loss of minor roosting sites has however been shown in the past to have a knock on effect of the success of breeding pairs of Barn Owls. It is therefore essential that the site retains some potential for barn owls. The applicant's suggestion of the provision of barn owls boxes on site is adequate to meet this need and this could be secured by condition.

Trees

Part of the site accommodated the motel complex although the section to the west remained open undeveloped grassland. There are sections of hedgerow of varying species composition around the periphery of the site. The hedgerow to the north is native species, the hedgerow to the south is partly *Leylandii* and the roadside hedgerow includes a mixture of native and

ornamental species. A substantial length of the south western boundary is open and unvegetated.

There are a number of trees on the periphery of the site and several mature Oak trees within site, to the north of proposed warehouse. There is a length of ditch to the north of the site.

On the eastern boundary, the development would require the removal of a small number of trees on the road frontage, however these trees are not exceptional and the loss would not have significant impact on public amenity. A section of hedgerow would also have to be removed. There would be sufficient space to accommodate replacement planting in mitigation.

Following negotiations with the applicant's agent the proposal indicates that the length ditch would be retained. This is considered to be important as it is likely to impact on the above mentioned mature Oak trees.

CONCLUSIONS

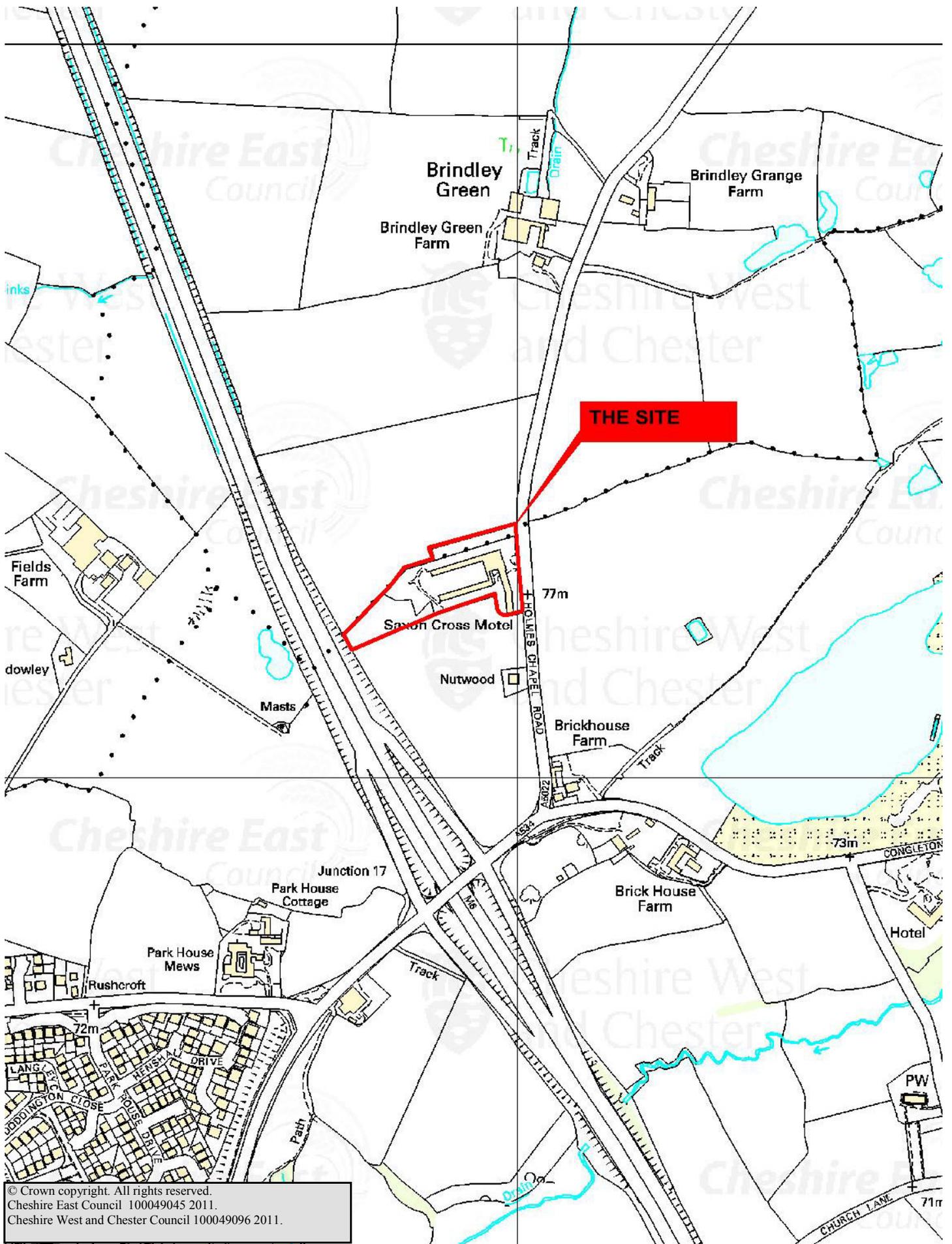
The proposed development is considered to be acceptable in principal despite the site being located within the open countryside. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore recommended for approval.

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/HGV 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. Bin Storage details to be submitted to the LPA and approved in writing**
- 14. Landscaping to be submitted to the LPA and approved in writing**
- 15. Landscaping to be completed**
- 16. 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.**

17. Details of any pile driving to be submitted to the LPA and approved in writing
18. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.
19. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans
20. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway
21. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
22. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
23. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.



This page is intentionally left blank

Application No: 11/2069C

Location: 36, PIKEMERE ROAD, ALSAGER, STOKE ON TRENT, CHESHIRE,
ST7 2SF

Proposal: Two detached Houses with Garages

Applicant: Mr David Teague

Expiry Date: 01-Aug-2011

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of the Development
- Design and Scale
- Amenity
- Landscaping and Trees

REASON FOR REFERRAL

Called in by Councillor S Jones on the grounds that: *“This is the garden of a house and since gardens are no longer classified as brownfield sites there is no presumption for development on this site. Two large houses on this site would be detrimental to the amenities of the bungalows to the rear on College Road. This is tandem development and will have a negative impact on the established house in whose grounds this building is proposed.”*

DESCRIPTION AND SITE CONTEXT

The application relates to an area of garden sited to the rear of numbers 34 and 36 Pikemere Road, Alsager. The site is within the settlement zone line of Alsager and the surrounding development consists of a mixture of residential dwellings.

DETAILS OF PROPOSAL

The proposal seeks full planning permission to vary condition 2 of planning permission 09/3455C in order to substitute the house types previously approved. The original approval was for the erection of two detached dwellings on the site and this application is for two 5 bed detached dwellings. The proposed dwellings would be smaller than those approved under the previous reserved matters application and would have detached garages.

RELEVANT HISTORY

08/0210/OUT 2008 Outline approval for two dwellings

09/3455C 2010 Reserved matters approval for two dwellings

POLICIES

National Guidance

PPS1 – Delivering Sustainable Development

PPS3 – Housing

Regional Spatial Strategy

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

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

Congleton Local Plan 2005

PS4 – Plan strategy

GR1 - General criteria for new development

GR2 - Design

GR6 – Amenity & health

GR9 - Highways safety & car parking

H1 – Provision of new housing development

H2 – Housing supply

H4 – Residential development in towns

SPD2 –Private Open Space

Other Material Considerations

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

CONSIDERATIONS (External to Planning)

Environmental Health:

Request conditions relating to contaminated land and hours of construction and piling.

Highways

No comments have been received at the time of report writing, however the access was agreed at the outline stage and as such it is considered that highways issues were adequately addressed at that stage.

VIEWS OF TOWN/PARISH COUNCIL

Alsager Town Council objects to the proposed changes to the original plan. The change of location of the house and the garages will now be un-neighbourly to 34 Pikemere Road. Alsager Town Council fully supports the objections raised by 34 Pikemere Road.

OTHER REPRESENTATIONS

Two objections have been received relating to this application expressing the following concerns:

- Loss of landscape screening
- Visual intrusion
- Inadequate separation distances
- ‘Garden grabbing’
- Impact on ecology
- Highway safety
- Loss of residential amenity

OFFICER APPRAISAL

Principle of Development

The principle of siting two dwellings on this site was established at the outline stage in 2008. A reserved matters application was approved in 2010 for two detached dwellings of a larger size than those proposed by this application.

Highways

Access to the site was approved under the outline application and this proposal proposes the same form of access. The access will allow vehicles to enter and leave the site in a forward gear and there is adequate parking provision for both dwellings. The proposal is therefore considered to be acceptable in highway safety terms and is therefore in compliance with Policy GR9 of the adopted local plan.

Appearance

The proposed dwellings would be of a traditional design, constructed with red brick and dark grey roof tiles. The detached garages would also be constructed of the same materials with pitched roofs. In terms of design they would not be out of keeping with the area as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Scale

Both properties are two-storey with and plot 1 would have a roof height of 8.5m and plot 2, 9.1m. Whilst the proposed dwellings are quite large, it should be noted that their overall footprint is less than those that were previously refused (09/3455C), although the roof height of the property to the rear of 34 Pikemere Road has increased by 0.5m.

Layout

The proposal is for two detached dwellings to the rear of numbers 34 and 36 Pikemere Road. The garages would be detached, the one for plot 1 would be sited facing the access drive, and the garage for plot 2 would be sited 2m from the rear boundary of 34 Pikemere Road. The layout differs from the previously approved scheme by having detached garages and a smaller overall footprint.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The properties to the rear are in excess of 22m from the boundary of the site and a distance in excess of 35m would be maintained between the dwellings. It is therefore considered that there would be no significant impact on the residential amenities of those properties. The side elevation of plot 2 would face number 4 Grig Place, but would have a separation distance of 30 meters, which is in excess of that required by SPD2 (Private Open Space). The occupier of 34 Pikemere Road has expressed concerns that the siting of the garage would have an adverse impact on the residential amenities of their property due to the proximity of the detached garage to their garden and rear windows and the potential for loss of the existing landscape screening on the site. As stated in relation to other properties adjacent to the site the separation distances would be well in excess of those required by SPD2 (Private Open Space) and it is therefore considered that a refusal on these grounds could not be sustained. Having regard to the issue of landscaping, there would be a distance of 2m between

the garage on plot 2 and the boundary with 34 Pikemere Road, as such additional landscaping could be provided and this should be safeguarded by the requirement for the submission of landscaping scheme and a scheme of boundary treatments.

Landscape

As stated above, it is considered that a condition should be imposed requiring the submission and approval of a landscaping scheme for the site in order to ensure that the amenity of neighbouring properties is not compromised. In addition it is considered necessary to impose the conditions relating to trees shrubs and hedges that were imposed on the original outline consent.

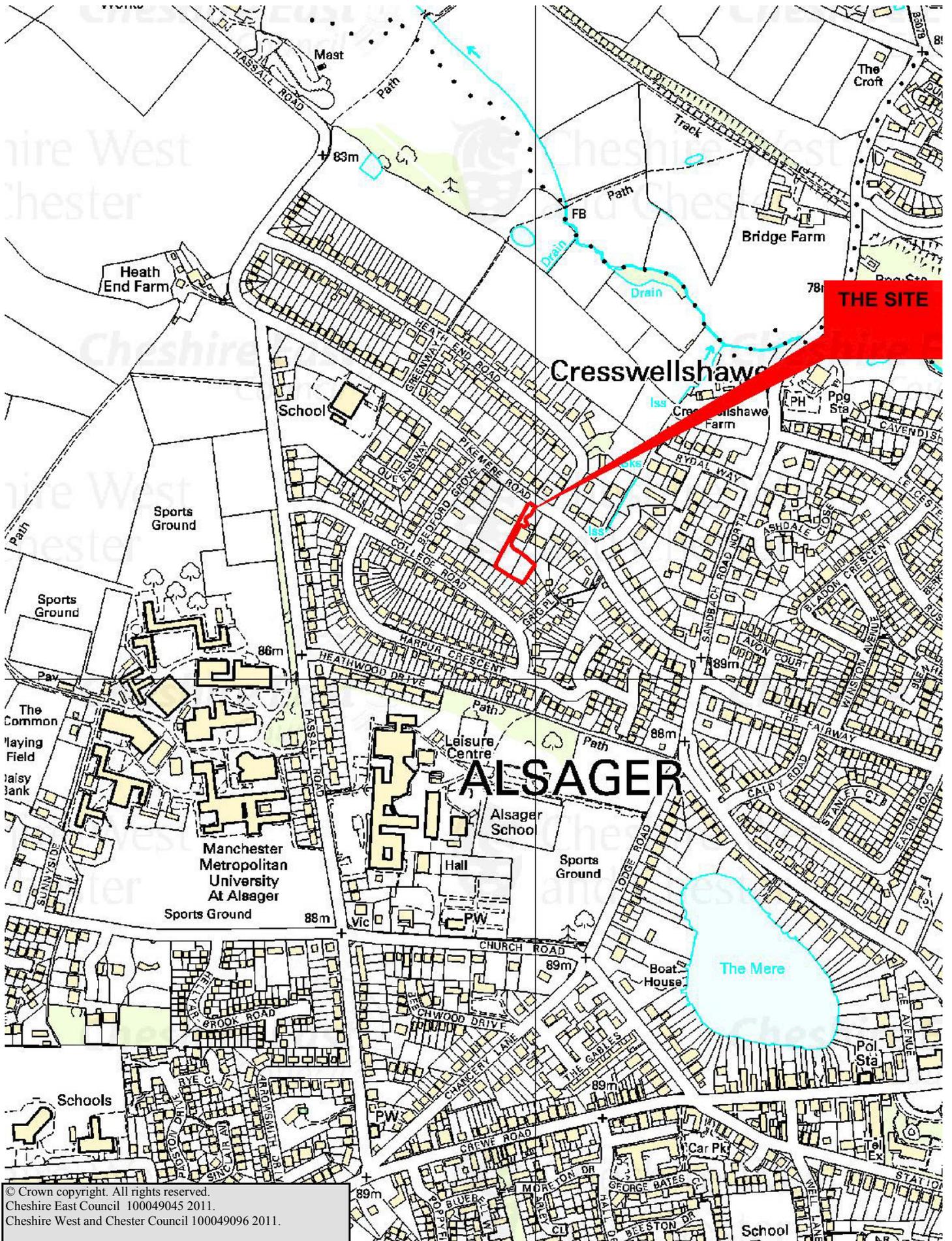
CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion it is considered that the development, subject to the suggested conditions, would not be detrimental to the visual amenities of the area, or the living conditions of adjacent occupiers. The principle of the erection of two larger dwellings on this site has already been established and is still extant and could be implemented. Accordingly approval of this application is recommended.

RECOMMENDATION:

Approve subject to the following conditions:

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission of scheme of protection for trees ,shrubs and hedges
5. Submission of method statement relating to the construction of the driveway and drainage
6. Submission of a detailed landscaping scheme
7. Implementation of landscaping scheme
8. Limits on hours of construction
9. Limits on hours of piling
10. Submission of details of boundary treatments
11. Protection of birds during the breeding season



THE SITE

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 3rd August 2011
Report of: Adrian Fisher, Head of Planning and Policy
Title: Albany Mill, Congleton

1.0 Purpose of Report

- 1.1 To consider a proposed variation to the Section 106 Agreement attached to planning permission 06/1414/FUL for the development of 43 no. Affordable 2 Bedroom Apartments, approved by Congleton Borough Council and Cheshire East Council respectively.

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 2006 for the demolition of the existing buildings the erection of 43 no. affordable 2 bed apartments, comprising a mix of shared ownership, discounted for sale and rented accommodation. The scheme was subject to a condition requiring the developer to enter into a prior legal agreement to provide for the retention of the development as affordable housing in perpetuity and a commuted sum in lieu of public open space. That legal agreement was subsequently signed on 11th March 2010 and work has since commenced on site.

- 3.2 A further planning application (10/2779C) was submitted in 2010 for an amendment to Approval 06/1414/FUL to Change Slab Levels to the Apartment Block Containing 6 x 1 Bed Units and 10 x 2 Bed Units (Block A). Committee resolved to approve this application subject to a Deed of Variation to the original legal agreement to reference the new permission.

4.0 Proposals

- 4.1 The Section 106 Agreement entered into on 11th March 2010 referred to Renew Land (Albany Mill) as the developer of Block C. Their interest in the site has now been purchased by Great Places, meaning that they are the sole developer of the site. Renew Land therefore are no longer required to be a party to the agreement.

- 4.2 The original S106 also referred to Block C as being for discounted for sale units. However, in discussion with the Council's Housing Section, the developer has agreed that this could be carried to allow Block C to be offered for shared ownership instead. They have also agreed that all shared ownership units on the scheme could be offered for Rent to Homebuy for a period of there is not sufficient market demand for them as shared ownership. Great Places have proposed a 6 week marketing period for shared ownership at which point if there is no interest the relevant units could be offered for Rent to Homebuy for up to 5 years, as per the HCA Guidance.
- 4.3 The change of developer will not impact on the delivery of this scheme of affordable housing and in the absence of any objection from the Housing Officer, it is considered that the change to the tenure of Block C is also acceptable.

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

- 6.1 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 06/1414/FUL to modify the mix of tenure on the site to omit Renew Land (Albany Mill) and to change the tenure of Block C from Discounted for Sale housing to Shared Ownership. The Deed of Variation is also to include the option that Great Places could offer all the shared ownership units on the development as rent to buy for up to 5 years if there is not sufficient market for the shared ownership units.

7.0 Financial Implications

- 7.1 There are no financial implications. Great Places 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 Housing support Great Places request for the variation to change the Discounted for Sale properties to Shared Ownership Dwellings as this would make them more affordable at the initial sale. Under the terms of the S106 there is a requirement that the Discounted for Sale properties

are sold at no more than 70% of the open market value, if these are changed to Shared Ownership the initial sales of the units will be at 50% of open market value. We would also support the request for the additional option that Great Places could offer all the shared ownership units on the development as rent to buy for up to 5 years if there is not sufficient market for the shared ownership units.

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 Rachel Bailey
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

Application 06/1414/FUL 10/2779C

This page is intentionally left blank