

Southern Planning Committee

Agenda

Date: Wednesday, 18th April, 2012
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 - 14)

To approve the minutes of the meeting held on 28 March 2012.

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. **12/0447N The Old Creamery, Station Road, Wrenbury CW5 8EX: Provision of 21 X 70m Portal Framed Shed for casting Concrete Products and Provision of 2m Diameter X 10m High Mobile Cement Silo and Three Bay Bin - 8.50 X 2.50 for Mr G Heath, Concrete Panel Systems Ltd (Pages 15 - 30)**

To consider the above planning application.

6. **12/0344N Church Bank Cottage, Wyche Road, Bunbury, Tarporley, Cheshire CW6 9PN: Proposed Single Storey Side Extension And Single Storey Sunroom for Mr & Mrs R Parr (Pages 31 - 38)**

To consider the above planning application.

7. **12/0036C Land North East Of Dunkirk Farm, London Road, Brereton, Holmes Chapel: The Construction of 18 New Affordable Two and Three Bedroom Houses for Mike Watson, Plus Dane Group (Pages 39 - 54)**

To consider the above planning application.

8. **12/0650N Land South Of Meadow Rise, Holmshaw Lane, Haslington: A New Single-Storey Dwelling for Mr & Mrs J Coupland (Pages 55 - 60)**

To consider the above planning application.

9. **12/0707C Silver Birches, New Platt Lane, Cranage, Cheshire CW4 8HS: Demolition Of Existing Detached House And Construction Of 3 New Houses for Bob Quirk (Pages 61 - 68)**

To consider the above planning application.

10. **12/0714C Little Moss Farm, Priory Close, Congleton CW12 3JL: 18m High Joint Operator Monopole Type Telecommunication Tower Incorporating 4No. 3G Antennas And Their Associated Head Frame Along With 2No. 600mm Transmission Dish (Standard Grey In Colour), 1No. Equipment Cabinet (Vulcan Type, 1898 X 798 X 1648mm, RAL 6009 - Fir Green), 1No. Meter Cabinet (655 X 255 X 1015mm, RAL 6009 - Fir Green), All Ancillary Development (Foundations, Fencing; Fixtures, Fittings, Cabling, Etc) for Telefonica UK Limited (Pages 69 - 82)**

To consider the above planning application.

11. **12/0804C Silver Birches, Croxton Lane, Middlewich, Cheshire CW10 9EZ: Extension To Time Limit Of Outline Application 08/1800/OUT For Proposed Demolition Of An Existing Dwelling And Former Nursery Buildings And The Erection Of Up To 12 No. Residential Units With Means Of Access for Mr & Mrs Hough (Pages 83 - 90)**

To consider the above planning application.

12. **Section 106 Agreement for Planning Application 11/2999C for Variation of Conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL at Land South of Portland Drive, Scholar Green, Stoke-On-Trent (Pages 91 - 92)**

To consider a proposed variation to the above Section 106 Agreement.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th March, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, P Groves, M Jones,
A Kolker, S McGrory, D Marren, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey and A Moran

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
Stephen Irvine (Development Management and Building Control Manager)
(for Item 23 only)
Paul Jones (Democratic Services Team Manager) (for Item 12 only)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

There were no apologies for absence.

162 DECLARATIONS OF INTEREST

Councillor S Davies declared a personal interest in respect of application number 12/0267N, on the grounds that he knew one of the objectors. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application numbers 12/0222N and 12/0392N, on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, and a member of Nantwich Civic Society. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor D Marren declared a personal interest in respect of application numbers 12/0222N and 12/0392N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed

developments. Councillor Marren had left the meeting by the time these items were considered.

Councillor D Marren declared a personal and prejudicial interest in respect of application number 11/3168N on the grounds that he was well acquainted with the applicant. Councillor Marren had left the meeting by the time this item was considered.

Councillor S McGrory declared a personal interest in respect of application number 11/4002C on the grounds that he was a member of Middlewich 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.

Councillor G Merry declared a personal interest in respect of application numbers 12/0219C and 12/0220C, on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor G Merry declared a personal and prejudicial interest in respect of application number 12/0477C on the grounds that the objector was an employee of Sandbach Town Council, of which she was a member. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

Councillor L Gilbert declared a personal interest in respect of application number 11/4399C 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 A Moran, who was in attendance at the meeting, declared a personal interest in respect of application numbers 12/0222N and 12/0392N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Julie Zientek declared a personal and prejudicial interest in respect of application number 12/0222N on the grounds that she knew the objector. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

163 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 7 March 2012 be approved as a correct record and signed by the Chairman.

164 **OPENING COMMENTS BY THE SOUTHERN AREA MANAGER - DEVELOPMENT MANAGEMENT**

The Southern Area Manager explained that the National Planning Policy Framework (NPPF) had been published on 27 March 2012, which meant that references within reports to PPS and PPG policies were no longer valid as they had been replaced by the new NPPF with immediate effect.

165 **12/0036C LAND NORTH EAST OF DUNKIRK FARM, LONDON ROAD, BRERETON, HOLMES CHAPEL: THE CONSTRUCTION OF 18 NEW AFFORDABLE TWO AND THREE BEDROOM HOUSES FOR MIKE WATSON, PLUS DANE GROUP**

Note: Mr M Cox (objector) and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for further information relating to the existing housing figures and need in the area, and details of the current status of brownfield sites in the area.

166 **12/0219C 5 BRADWALL ROAD & THE HOLLIES, WESLEY AVENUE, SANDBACH: DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A NEW THREE STOREY MIXED USE DEVELOPMENT WITH RESTORATION OF THE HOLLIES FOR ANDREW SEHNE, WRIGHTS PRINTERS IN LIAISON WITH MR & MRS P HITCHEN**

Note: Councillor A Thwaite arrived during consideration of this item but did not take part in the debate or vote.

Note: Mr J Ashall (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, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement requiring a contribution of £5,000 to local traffic management measures and the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Submission of materials for approval.
4. Submission and implementation of boundary treatment scheme.

5. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
6. Submission of details of the method, timing and duration of any pile driving operations.
7. Submission and implementation of a scheme for protection from traffic noise and vibration.
8. Submission of a noise impact assessment
9. Submission of details of acoustic enclosure of equipment with the potential to create noise.
10. Restrictions on the opening hours of the retail unit (0730 to 1900 Monday to Saturday and 0900 to 1600 Sunday and Bank Holidays).
11. Submission of a Phase I contaminated land survey
12. Submission and implementation of a scheme of boundary treatments.
13. Fixed and obscured glazing in the central units of the bay windows at ground and first floor level adjacent to the Pentacostal Church on Bradwall Road.

167 **12/0220C 5 BRADWALL ROAD & THE HOLLIES, WESLEY AVENUE, SANDBACH: CONSERVATION AREA CONSENT FOR DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A NEW THREE STOREY MIXED USE DEVELOPMENT WITH RESTORATION OF THE HOLLIES FOR ANDREW SEHNE, WRIGHTS PRINTERS IN LIAISON WITH MR & MRS P HITCHEN**

Note: Mr J Ashall (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, for the reasons set out in the report, the application be APPROVED subject to the following condition:

1. Commence development within 3 years.

168 **12/0234N ROSE HALL, ASTON JUXTA MONDRUM, NANTWICH CW5 6DS: PROPOSED TWO STOREY EXTENSION TO FORM RESIDENTIAL ANNEX FOR MRS A MCALPINE**

Note: Mr G Kaufman (objector) attended the meeting and addressed the Committee on this matter.

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

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

The proposed development is considered to be unacceptable by means of its height and the position of the two principal windows on the rear elevation of the extension. It is considered that the proposal would have a significantly detrimental impact on the amenity of the adjacent neighbours by means of overlooking as the minimum separation distance between principal windows noted within the Extension and Householder Development SPD is not achieved. It is therefore considered that the proposal is contrary to Policy BE.1 (Amenity) of the Crewe and Nantwich Replacement Local Plan 2011 and the adopted Extension and the Householder Development Supplementary Planning Document.

169 **12/0267N LAND ON NEWTOWN ROAD, SOUND: ERECTION OF DETACHED PROPERTY, DOUBLE GARAGE & ASSOCIATED ACCESS PROVISION FOR MR AND MRS BRADBURY**

Note: Councillor D Newton left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: Councillor A Baldwin (on behalf of Sound & District Parish Council), Mr D Lowe (on behalf of Sound & District Residents' Association), Mr R High (objector) and Ms M Simpson-Gallego (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 and an oral report of the site inspection.

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

In the opinion of the Local Planning Authority, the site is not considered to be a small gap in an otherwise built up frontage. Consequently the proposal would represent an unwarranted incursion into the Open Countryside, would not add to the overall quality of the area, would detract from the sense of place of Sound and would not respond to its local character or reflect its identity. The fact that this is not a gap in an otherwise built up frontage means that the new development would not integrate into the existing, built environment. The proposal is therefore contrary to the provisions of Policy NE.2 of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

170 **12/0477C 25, THORNBROOK WAY, SANDBACH, CHESHIRE CW11 3ZB: SINGLE STOREY SIDE AND REAR FACING EXTENSION FOR MRS J ADAMSON**

Note: Having declared a personal and prejudicial interest in this application, Councillor Merry withdrew from the meeting during consideration of this item and Councillor Weatherill took the Chair.

Note: Ms K Pepper (objector) attended the meeting and addressed the Committee on this matter.

Note: Councillor G Wait (Ward Councillor) had registered her intention to address the Committee on this matter but was unable to attend the meeting. A statement from Councillor Wait was read out by the Principal Planning Officer.

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

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

The proposed development by reason of its size and design would have a detrimental impact on the character and appearance of the host dwelling. Furthermore the proposal would result in overdevelopment of the site. The proposal is therefore contrary to policy GR2 (Design) of the Congleton Borough Local Plan First Review 2005.

171 **11/4002C LAND OFF JERSEY WAY, MIDDLEWICH, CHESHIRE:
CONSTRUCTION OF 77 NO. PRIVATE RESIDENTIAL DWELLINGS
TOGETHER WITH ASSOCIATED WORKS FOR C/O DAVID MAJOR
(STEWART MILNE HOMES NW), RUSSELL HOMES & STEWART
MILNE HOMES**

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

Note: Councillor Rachel Bailey, who had been in attendance at the meeting having arrived after its commencement, left prior to consideration of this application.

Note: Prior to consideration of this application, the meeting was adjourned for ten minutes for a break.

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

RESOLVED – That the application be DEFERRED for further information in relation to the following:

- More details of viability and further negotiation with the developers with respect to the percentage of affordable housing
- Discussion between Greenspace and the Town Council regarding the identification of amenity greenspace sites to be allocated money for enhancement and maintenance
- Identification of bus stops to be upgraded
- More details with respect to allotments and access

172 **12/0222N LAND OFF MARSH LANE, NANTWICH, CHESHIRE:
RESERVED MATTERS APPLICATION FOR 13 NO. DETACHED
DWELLINGS, PARKING AND AMENITY SPACE AND THE RETENTION
OF PUBLIC OPEN SPACE/CHILDREN'S PLAYGROUND INCLUDING
APPEARANCE, LANDSCAPING, LAYOUT, SCALE AND ACCESS
FOLLOWING OUTLINE APPROVAL OF P05/0121 FOR ELAN REAL
ESTATE LTD & BRITISH WATERWAYS**

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

Note: Councillor A Moran (Ward Councillor), Mr E Leetham (objector) and Mr P Darwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

Due to the difference in ground levels, the proposed dwelling on plot number 3 would be overly dominant in terms of its relationship with number 44 Marsh Lane, Nantwich, and would result in an unacceptable loss of residential amenity to that property, as a result of overshadowing and visual intrusion. It is therefore deemed to be contrary to Policy BE.1 of the Borough of Crewe and Nantwich replacement Local Plan 2011 and the provisions of the National Planning Policy Framework which requires the integration of new development into the built environment and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

173 **11/3160N WARMINGHAM GRANGE, WARMINGHAM GRANGE LANE,
WARMINGHAM CW11 3LB: ALTERATIONS TO PLOT NOS 1,2,4,5,6,7
& 8 OF THE BARN UNITS BLOCK AND TO PLOT NO 3 OF THE
STABLE UNITS BLOCK AT WARMINGHAM GRANGE FOR VISCOUNT
HOMES LIMITED**

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management to correct an error identified by the applicant in the application by substituting Plot no 1 of the Stable Units for Plot no 3 so as to accurately reflect the submitted plan.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to a deed of variation to link the current application to the original application P03/1522, and the following conditions:

1. Approved Plans
2. Landscape scheme – hard and soft landscaping
3. Landscape implementation
4. Details of boundary treatment and enclosures
5. Remove Permitted Development Rights for Classes A to E of Part 1; Class A of Part 2; and Classes A to F of Part 40.

174 **11/3168N THE LIMELIGHT CLUB, 1- 7, HIGHTOWN, CREWE CW1 3BP: RESTORATION AND CONVERSION OF EXISTING BUILDING TO FORM 23NO DWELLINGS WITH AMENITY SPACE AND OFF ROAD PARKING FOR MR STUART CAMPBELL, LIMELIGHT DEVELOPMENTS LTD**

Note: Mr I Pleasant (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 a written update.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to a Section 106 Agreement to secure overage agreement so that if the total sales proceeds for the development exceed the amount predicted in the Viability Appraisal submitted with the application, the additional monies are split 50/50 with the Council to go towards the provision of affordable housing in Crewe Wards, and the following conditions:

1. Standard
2. Amended plans
3. Provision of carparking in accordance with timetable and phasing plan to be agreed with the local planning authority prior to commencement to development.
4. Provision of cycle parking timetable and phasing plan to be agreed with the local planning authority prior to commencement to development.
5. Side windows of Bedroom 1 (Flat 8) Living Room (Flat 5) and Bedroom (Flat 13) to be obscure glazed
6. 10% of energy requirements to be from decentralised/renewable/low-carbon source energy supply unless demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
7. Submission / approval implementation of materials
8. Submission / approval of landscaping
9. Implementation of landscaping
10. Submission / approval / implementation of boundary treatment.
11. Hours of operation restrictions to be placed on the construction site; Monday – Friday 08.00 hrs to 18.00 hrs, Saturday 09.00 hrs to 14.00 hrs, with no Sunday or Bank Holiday working
12. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations to be restricted to:

Monday – Friday 08:30hrs – 17:30hrs; Saturday 08:30hrs – 13:00hrs;
Sunday and Bank Holidays Nil

13. Submission / approval / implementation of traffic noise assessment and any recommended mitigation.
14. Submission / approval / implementation of details of external lighting
15. Submission / approval / implementation of bin storage, for both household waste and recycling, for the size of the development.
16. Submission / approval / implementation of contaminated land assessment and any recommended mitigation.

175 **11/3855N LAND AT WESTON ROAD, CREWE, CHESHIRE CW1 6JS:
DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF
INDUSTRIAL UNIT (USE CLASS B8 - STORAGE AND DISTRIBUTION)
WITH ANCILLARY TRADE COUNTER FLOORSPACE AND
ASSOCIATED INTERNAL ROAD/FOOTWAYS, CAR PARKING AND
LANDSCAPING FOR ROWLINSON GROUP LIMITED**

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Commence development within 3 years
2. Development in accordance with approved drawings
3. Submission of details/samples of external materials
4. Implementation of detailed access and junction plans
5. Car parking to be provided in accordance with the approved plan prior to the development being brought into use
6. Cycle Parking details to be submitted and agreed
7. Drainage details to be submitted and agreed
8. External lighting details to be submitted and agreed
9. No external storage
10. No mezzanine floors
11. Trade Counters details to be submitted and agreed
12. Restriction on the sale of goods to non - food goods.
13. Prevent sub-division of any of the units
14. Bin Storage details to be submitted and agreed
15. Limits on hours of construction including delivery vehicles.

176 **11/4222N PRG ENGINEERING, LIGHTWOOD GREEN AVENUE,
AUDLEM: PROPOSED EXTENSION TO EXISTING INDUSTRIAL
BUILDING AND ENLARGEMENT OF REAR PARKING AND VEHICLE
TURNING AREA FOR PRG ENGINEERING**

Note: Councillor I Barton (on behalf of Dodcott cum Wilkesley Parish Council) and Mr G Allen (on behalf of an objector) 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 which included a summary of additional letters of objection.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1) Standard Time Limit (3 years)
- 2) Development to be carried out in accordance with the Approved Plans
- 3) Materials to be submitted and approved by the Local Planning Authority
- 4) Details of Surfacing Materials to be submitted
- 5) External storage to be limited to extent shown on approved plan
- 6) Details of Boundary treatment and road side gate to be submitted and approved
- 7) Detailed Landscaping scheme to be submitted
- 8) Landscaping scheme to be implemented
- 9) Car Parking Layout to be carried out in compliance with approved plan
- 10) Proposed access improvements to be carried out to an adoptable standard and implemented prior to first occupation of extension
- 11) Details of any lighting to be submitted prior to implementation
- 12) Details of drainage to be submitted and approved
- 13) Turning area to be kept clear at all times
- 14) Hours of Operation limited to 0800-1800 Mon-Sat

177 12/0253C SMALLWOOD STORAGE LTD, MOSS END FARM, MOSS END LANE, SMALLWOOD, SANDBACH CW11 2XQ: RESERVED MATTERS APPLICATION FOR 11/0627C - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 15 DWELLINGS AND ASSOCIATED INFRASTRUCTURE WORKS FOR ROWLAND HOMES LIMITED

Note: Councillor D Newton left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

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

Note: Mr S Goodwin (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 a written update.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Plans
2. Revised scheme of landscaping / boundary treatment to the north west and south western boundaries to include post and rail fence and native hedges to both sides.
3. Electromagnetic screening

178 12/0344N CHURCH BANK COTTAGE, WYCHE ROAD, BUNBURY, TARPORLEY, CHESHIRE CW6 9PN: PROPOSED SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY SUNROOM FOR MR & MRS R PARR

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the amended plans for the proposed development on the Grade II Listed Building and the conservation area.

179 12/0392N FORMER MILLFIELDS PUBLIC HOUSE SITE, BLAGG AVENUE, NANTWICH: EXTENSION TO TIME LIMIT FOR APPROVED PLANNING APPLICATION P09/0109 FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 12 TWO BEDROOM HOUSES AND 2 ONE BEDROOM FLATS FOR MRS SUSAN J STOTT

Note: Councillor A Moran (Ward Councillor) and Mrs S Stott (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time
2. Approval of materials
3. Approval of surfacing materials
4. Provision of car parking spaces
5. Details of covered and secure cycle storage to be submitted to and approved in writing by the Local Planning Authority and retained thereafter
6. Diversion of public sewer
7. Drainage details to include for sustainable drainage measures (SUDS) to be submitted and approved and thereafter implemented
8. Approved points of access to be constructed to Cheshire East Council standards and remaining existing access to be stopped up
9. Details of all boundary treatments to include fencing at rear of the site adjoining properties on Meeanee Drive to be submitted and

approved in writing by the Local Planning Authority and retained thereafter

10. Details of landscaping to be submitted to and approved in writing by the Local Planning Authority
11. Approved landscaping to be implemented
12. Provision of bin storage areas
13. Removal of permitted development rights for extensions and detached structures
14. Approved plans
15. Construction Management Plan

180 **12/0457N LAND OFF WYCHE LANE BUNBURY: EXTENSION TO TIME LIMIT ON APPLICATION P07/0867 FOR 10 AFFORDABLE HOUSES FOR MUIR GROUP HOUSING ASSOCIATION LTD**

The Chairman reported that this application had been withdrawn by the applicant.

181 **12/0459N LAND OFF WYCHE LANE BUNBURY: VARIATION OF CONDITION 2 AND REMOVAL OF CONDITION 17 RELATING TO ACCESS ON APPLICATION P07/0867 (10 AFFORDABLE HOUSES) FOR MUIR GROUP HOUSING ASSOCIATION LTD**

Note: Councillor L Gilbert left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: All Members of the Committee declared that they had received correspondence regarding this application.

Note: On 7 March 2012, Members of the Committee had considered a report relating to an appeal for non determination of an application to vary conditions 2 and 17 of planning permission P07/0867, and had endorsed the view that the application would have been approved, subject to a deed of variation to the existing s106 agreement to reference the new permission and conditions. As the current application was identical to that considered on 7 March, all Members of the Committee declared that they were approaching the decision with an open mind and would take all material considerations into account.

Note: Mr J Walton (objector) and Mr S Goodwin (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 update by the Principal Planning Officer.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to a Deed of Variation to the existing Section 106 Agreement to reference the new permission and the following conditions:

1. Standard Time Limit
2. Amended plans
3. Materials
4. Remove permitted development rights – extensions and ancillary buildings
5. Access to be constructed to sub-base level prior to first occupation
6. Landscaping scheme to be submitted
7. Implementation / maintenance of landscaping
8. Boundary treatment to be submitted and implemented
9. Full drainage details to be submitted and implemented.
10. Obscure glass to first floor window in east gable of unit 1.
11. Scheme of tree protection to be submitted and agreed
12. No lighting of fires / storage of materials etc. in protected area
13. Specification for paths / drives etc. under trees to be submitted and agreed
14. Implementation of wildlife mitigation measures.
15. Hedgerow removal to take place outside bird nesting season
16. Details of finished floor levels to be submitted and agreed
17. Track to be surfaced using “Top-trek” or a similar material – details to be submitted and agreed.

182 **11/4399C 94, MACCLESFIELD ROAD, HOLMES CHAPEL CW4 8AL:
EXTENSION TO GARAGE TO FORM HOME WORKING OFFICE
(RESUBMISSION OF 11/2081C) FOR MR JOHN PATTISON**

Note: Councillors M Martin and D Newton left the meeting prior to consideration of this application.

Note: Councillor L Gilbert declared that he had received correspondence from the applicant and objectors regarding this application.

The Committee considered a report regarding the above planning application, which was the subject of an appeal against non-determination.

RESOLVED – That, had the Committee been able to determine the application, it would have been APPROVED for the reasons set out in the report, subject to the following conditions:

1. Standard Time Limit
2. Plans
3. Details of Materials to be submitted and approved in writing by the Local Planning Authority.

183 **APPEALS IN JANUARY AND FEBRUARY 2012**

The Committee considered a summary of appeals for the first two months of 2012.

RESOLVED - That the Committee notes:

- (1) the Council's appeals performance for January and February 2012 (77.77%) and its success in most instances in defending planning appeals; and
- (2) the reasons the Council lost some appeals and a recent Cheshire West and Chester appeal that raised issues in relation to housing land supply.

The meeting commenced at 1.00 pm and concluded at 6.35 pm

Councillor G Merry (Chairman)

Application No: 12/0447N

Location: THE OLD CREAMERY, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Provision of 21 X 70m Portal Framed Shed for casting Concrete Products
Provision of 2m Diameter X 10m High Mobile Cement Silo and Three Bay Bin - 8.50 X 2.50

Applicant: Mr G Heath, Concrete Panel Systems Ltd

Expiry Date: 01-May-2012

MAIN ISSUES:

- Principle of Development
- Impact on neighbouring residential amenity.
- Impact on Highway safety and surrounding road network.
- Pollution.

SUMMARY RECOMMENDATION: Approved with Conditions

1. REASON FOR REFERRAL

This application has been referred to planning committee because it involves the construction of an industrial building with a floor area greater than 1000m²

2. DESCRIPTION AND SITE CONTEXT

The site measures 0.54ha is currently a vacant brown field site within an area identified as open countryside by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site forms part of what is commonly known as Wrenbury Industrial Estate which has a common access point onto Wrenbury Road. The estate is made up of small commercial units (Mill Farm estate) which have their own access onto Station Road and the remnants of the former Wrenbury Creamery and various outbuildings.

The site also includes a residential property, Holly House. The Crewe to Shrewsbury railway line runs to the north west of the site with the River Weaver lying within 50m of the site at its closest point towards the north west.

A public footpath runs across open fields 200m to the south of the site.

3. DETAILS OF PROPOSAL

The proposal involves the construction of an industrial building (21 x 70 x 6.6m high) on a vacant plot of land within the confines of an existing industrial estate. The proposal also includes the provision of a 10m high cement silo and batching plant.

The site which measures 0.54ha will be used for the manufacture and storage of concrete panels which are generally used in the construction of steel framed buildings. The manufacturing process involves the importation of the raw materials to create the concrete mix which is then poured into moulds using a conventional mobile cement mixer vehicle within the building. The moulds are then left to cure and placed outside awaiting transportation off site

The proposal follows pre-application advice following an approach by Mr Heath who represents the company, Concrete Panel Systems Ltd and a sister company, Graham Heath Construction Ltd, which occupies an adjacent site for the fabrication of steel frame buildings. Mr Heath has been looking for an appropriate site to manufacture the concrete panels following planning enforcement action against the site which is currently used at Top End Farm, Crewe Green. The site in Crewe Green does not benefit from planning permission and was considered inappropriate and contrary to Local Development Plan policy due to the impact on the Green Belt and Highway safety.

The Authority has received an amended plan and supporting statement on 9th March 2012. This plan indicates the introduction of a second building (12 x 6 x 6m high) which will enclose the concrete batching plant. The applicant states that the enclosure of the batching plant is in response to concerns raised by members of the public over noise and dust emissions.

4. RELEVANT HISTORY (relating to this site and those within the industrial estate)

- | | |
|----------|---|
| P91/0001 | Change of use to recycling of plastics - Approved 1991. |
| P91/0228 | 7 Industrial units - Approved 1992 |
| P92/0340 | Extension to industrial unit - Approved 1992 |
| P03/0406 | Engineering depot, workshop & store - Approved 1993. |
| P95/0838 | Office building - Approved 1996. |

P95/0839	Use of land for outdoor storage in connection with engineering depot Approved 1996.
P95/0223	Paint booth - Approved 1995.
P95/0279	Change of use to manufacture of vending machines Approved 1995
P95/0920	Retention of hard-standing - Approved 1996.
P96/0818	Outline demolition of industrial buildings & erection of dwellings (existing units located adj to Station Road). Refused on appeal 1997.
P97/0938	Vehicle repair shop - Approved 1998.
P02/0698	COU of warehouse to MOT & car care - Approved 2002.
P02/0571	Change of use of ground floor, to manufacture, storage and public house - Approved 2002
P02/0979	Change of use of first floor to guest accommodation in association with brewery - Approved 2002.
P04/0812	Construction of 8 light industrial units - Approved 2004.
P07/0403	11 industrial units – restricted by condition to B1 - Approved 2007.
P08/0070 additional	COU from agricultural contractors to B2 use including an storage shed - Approved 2008
10/2076N	Extension of time to P07/0403 - Approved 2010.
11/1165N	16 Affordable houses Resolution to approve subject to the completion of a Section 106

5. PLANNING POLICIES

Development Plan Policies

Local Plan policy

- NE.2 (Open Countryside)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)
NE.11 (River and Canal Corridors)
NE. 17 (Pollution Control)
E.4 (Development on Existing Employment Areas)
E.6 (Employment Development within open countryside)
TRAN.5 (Provision for Cyclists)

National policy

National Planning Policy Framework (NPPF)
Planning for Growth: Written Ministerial Statement (23rd March 2011)

OBSERVATIONS OF CONSULTEES

United Utilities: No objection subject to planning conditions relating to prior approval of drainage details.

Highway Authority: No objection subject to planning conditions to secure improvements to the access road including a passing bay, control over the number of vehicles and requests financial contribution from the developer to pay for addition road signage and to investigate a possible environmental weight restriction area along Nantwich Road, Wrenbury.

Environmental Heath: No objection subject to conditions relating to approved hours of construction and operation and the submission of agreed details relating to noise mitigation and the control of dust. The department also recommends a watching brief in relation to contaminated land during the construction phase.

Environment Agency: No objection subject to conditions to prevent pollution by contaminated surface water run-off.

Network Rail: No objection.

VIEWS OF THE PARISH COUNCIL:

Wrenbury Parish Council resolved to object to the development on the following grounds:

The site is adjacent to Holly House, a residential property. The proposed development will cause demonstrable harm to the amenities enjoyed by the occupiers of this dwelling. The operation will create noise levels of in excess of 100 decibels compared to the background levels of 37 decibels. It will also create lime dust and due to the proposed operating hours it will cause disturbance to the occupiers early in the morning and at weekends. The development will therefore be contrary to Policy BE1 of the Adopted Local Plan which states that “

Clearly this development will not be compatible with adjacent uses and will prejudice the amenity of the occupiers of adjacent property by reason of noise and disturbance. It will also generate levels of traffic that will prejudice the safe movement of traffic on surrounding roads and have an adverse effect on neighbouring uses. It will also lead to an increase in air and pollution.

Please note that the local plan does not state that this policy will be overridden by the former use of the site. In fact the introduction to this section states

“It is important to ensure that new development does not have an adverse impact on the surrounding environment. It is therefore proposed to adopt certain basic criteria relating to amenity, design, access, infrastructure and resources which must be met before development takes place.”

The development will also have an impact on nearby property in Station Road and on the proposed affordable housing site at the Station yard.

It will no doubt be argued that the existing use of the site is industrial due to the previous occupation of the site by Trufood, manufacturers of baby food. The development should however be judged against all policies in the local plan and the proposed use should not override the potential harm to the amenity of adjacent occupiers.

The Parish Council is also of the view that the use of the land surrounding the site has changed over time from an area of general industrial use to one of mixed use. This change has been endorsed by the local planning authority. Holly House was originally a tied dwelling related to the manufacturing unit in a similar way to the relationship between farmhouse and a farm unit. When Trufood closed the use of Holly House as a dwelling was allowed to continue and thus the planning unit changed. If the local planning authority intended that the site should remain wholly industrial it should have taken enforcement action and not allowed the use of Holly House as a separate dwelling, unrelated to a business enterprise, to become established. More recently the planning authority has engaged in discussions about the future of the Station Yard site which has resulted in a planning permission for affordable housing. If the area was to remain industrial this development should not have been granted. Having granted the permission the local planning authority has accepted that the area is one of mixed use. The introduction of a general industrial, use, and one which is more akin to a B3 use, is not compatible with a mixed use area of development where light industrial uses are more appropriate.

The Parish Council notes that an existing Wrenbury firm, BCM, a producer of similar products, was not allowed to relocate to this site in the past and was forced to move to Whitchurch.

The Parish Council is also of the view that Trufood was a less intensive use than the one now proposed. Servicing of the site was significantly different with farmers using their own vehicles to deliver milk to the site. Whilst the number of vehicles may have been similar to those now proposed the nature and tonnage of

the vehicles was significantly different. The impact of these vehicles on the highway network was therefore much less than that which will result from the HGV's that will serve this development. The volume and nature of the traffic will have a major impact on the local highway network particularly at the corners on the road to Aston. These are not "sweeping bends" but are tight corners where traffic has to give way to large vehicles and coaches.

The Parish Council therefore opposes this application as the proposed development will cause demonstrable harm to the residential amenity enjoyed by the adjacent and nearby occupiers, demonstrable harm to highway safety and will cause pollution in term of noise and dust, contrary to Policy BE1 of the Local Plan and urges refusal of the application

OTHER REPRESENTATIONS:

A large number of objections, over 200, have been received including a petition signed by 256 people. The relevant issues are as follows:-

- Traffic safety issues, including inadequate local highway infrastructure especially along Station Road which has narrow points and a very tight 90 degree bend; increased HGV vehicle movements along a country lane without a footpath which is a well used cycle route;
- Noise generation concerns relating to the concrete batching plant and the use of the site as a whole;
- Pollution concerns relating to contamination of the nearby river and the general impact of cement dust on the local population and surrounding agricultural land;
- Lack of details relating to how waste will be managed;
- Concerns of the hours of operation which are considered to be incompatible with surrounding residential amenity;
- Questions marks of the assessment of the former creamery's traffic demand claimed in the supporting traffic statement;
- A previous refusal for a similar use on this site;
- Questions of the sustainability of the site;
- The development will have a negative visual impact;
- The proposal will conflict with the recently approved affordable housing scheme;
- The development will have an adverse impact on tourism;
- The proposal fails to provide an environmental impact assessment.
- There are more appropriate sites elsewhere.
- Impact on the line of trees along the shared access.

A number of local resident's have commissioned an independent report by Rex Brockway who is a Chartered Town Planner.

The summery of the report states;

The proposed concrete plant, with attendant problems of noise and dust and an increase in HGV traffic, would represent a departure from the Local Planning Authority's established practice of restricting development on Wrenbury industrial estate to that which would not harm the amenity of the rural area in general and nearby residents in particular.

The proposed increase in HGV traffic would worsen problems of highway safety already experienced on local roads, discourage walking and cycling between Aston and the railway station and facilities located in Wrenbury, and damage the character of Aston Conservation Area.

A Noise Impact Assessment by Dynamic Response finds there to be lower background noise levels than submitted on behalf of the applicant and that if the batching plant is located externally and is allowed to operate at any time between 06:00 - 18:00 hours, that complaints would be likely. With regard to the proposed enclosure of the batching plant, there is insufficient information to demonstrate that noise will not have an adverse impact on residents at Holly House.

Wardell Armstrong has undertaken a review of the 'Dust Management Plan' submitted on behalf of the applicant. Although it contains some basic steps to mitigate dust emissions from the proposed operation, the plan is light on detail and leaves doubts as to how effective the dust mitigation will be, even with the addition of the batching shed.

Objections have also been received from Newhall Parish Council which is an adjacent parish. The areas of concern are similar to those mentioned above namely: Impact of additional traffic; noise generation; hours of operation; classification of the site; negative environmental issues and previous approval for 11 units specified that they were to be used for light industrial use only.

A small number of comments supporting the proposal have been received, one from a neighbouring business which welcomes the regeneration of a vacant industrial site the remaining comments are from employees of Concrete Panel Systems Ltd or Graham Heath Construction Ltd who have concerns over their continued employment should the application be refused.

APPLICANT'S SUPPORTING INFORMATION:

A design and access statement has been submitted on behalf of the applicant which adequately sets out the reasoned justification for the development: the proposal represents re-development of an existing sustainably located industrial site in compliance with adopted local plan policy.

Traffic Report and Supplementary Traffic Flow Assessment by Bob Hindhaugh Associates, including details of access improvements and routing plan.

Noise Report and Assessment by Mr G Corker. This report was been updated to include the impact on Holly House.

Statement of Support by Civitas Planning Ltd. This statements was submitted in an attempt to address the concerns raised as part of the consultation process

Dust Management Plan submitted by Concrete Panel Systems Ltd

OFFICER APPRAISAL

General Principle

The NPPF supports the objectives set out in the Plan for Growth and states that authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

The NPPF and the “Plan for Growth” introduces a presumption in favour of sustainable development and that Authorities should ensure that they give appropriate weight to the need to support economic recovery, and that applications that secure sustainable growth are treated favourably and that the Secretary of State for Communities will attach weight to the need to secure economic growth and employment when determining applications that come before him for decision.

One of the core principles of the NPPF is to “proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places the country needs”.

Policy NE.2 seeks, for the most part, to limit development to that which is essential to agriculture, outdoor recreation or other uses appropriate to a rural area. Policy E.4 and E.6 support employment development specifically Policy E.4

The last lawful use of the site was in connection with the manufacture of food products which would put it within B2 (General Industry) of the Town and Country (Use Classes) Order 1987, as amended. Whilst a proposal to re-develop the site for light industrial use was approved and renewed ref 10/2076N there is no evidence that this permission was implemented other than the demolition of the original factory however, it would appear that this was done due to health and safety concerns and not pursuant to a planning permission.

Therefore, the application does not involve a material change of use in land for the purposes of planning nevertheless, it does involve the construction of two buildings which will have form and function and whilst the construction of the two buildings on an existing industrial estate is considered appropriate to the area the material impacts of the form and function of those building must be duly considered as part of the decision making process.

The proposal has generated considerable local objection mainly due to vehicles movements and the threat of noise and dust generation.

Comments have been received claiming that the proposal involved as use which falls with B3 (Special Industrial Group A) of the Use Classes Order 1987. The Special

Industrial Classes B3 – B7 were repealed via an amendment in 1995 with all general industrial uses now being classes as B2 (General Industry). However, had the amendment not happened the proposal would have still been classified as B2 and not a Special Industrial use.

The extensive planning history relating to this plot of land and the wider industrial site indicate that the Authority has approved numerous industrial uses both general industrial and light industrial. It is clear that the site as a whole is made up of various industrial and commercial uses which is often the case on industrial estates of this nature.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that all applications be determined in accordance with the development plan unless material considerations dictate otherwise.

Local Plan Policy E.4 supports the re-development or intensification of land within existing employment areas subject to compliance with Policies BE.1 – BE.5. This Policy is considered to conform with the aims and objectives of the NPPF.

The aforementioned policies and guidance require the Authority to give considerable favourable weight to proposals for sustainably located economic development. Previous proposals ref P07/0403 & renewal ref 10/2076N considered the site to be sustainable in principle. The criteria and circumstances remain the same today however, Government guidance in the intervening period has strengthened the weight attached to proposals for sustainable economic development.

It is considered that there is substantial national and local policy support for the redevelopment of existing commercial land which aids the economic recovery. Nevertheless, this support must be measured against any negative impacts the development would have on other environmental interests.

Design

The design of the two buildings is typical of modern industrial utility buildings with a steel frame clad with profiled steel cladding. The main manufacturing building would be Juniper Green in colour, with similar materials employed for the construction of the roof, which also includes the installation of 88 roof-lights. The main access is via 3 roller shutter doors on the north elevation, in addition 4 personnel/fire doors are indicated, 3 on the western and 1 on the southern elevation. The building would be located longitudinally north to south adjacent to the eastern boundary which is defined by a 1.8m high native hedge. Whilst the building has a large footprint the height is relatively modest at 6.6m therefore it will not be unduly prominent against the backdrop of the railway station and surrounding commercial buildings. Due to the confines of the site there is limited opportunity for the introduction of additional landscaping however, additional hedge planting is recommended along the southern boundary. There is currently no boundary treatment on the boundary of the site with the residential garden to Holly House. The introduction of boundary treatment will have to

be considered in light of any noise mitigation scheme required to limit the impact of the development.

The colour of the building enclosing the batching plant has not been specified however, this can be dealt with by condition. The building contains only one opening on the northern elevation. This opening extends across the full elevation of the gable presumably to allow machinery access.

The design and layout of the buildings is considered to be acceptable within the context of the industrial estate without detrimental impact to the character of the surrounding countryside

Impact on Amenity

From a visual sense the proposal will have limited impact on neighbouring residential amenity with the exception of Holly House which adjoins the site. The rear elevation of the property is approximately 35m from the main building and whilst the building will be visible, due to this distance in relation to the ridge height of 6.6m, it is considered that it would not have an overshadowing or intrusive impact. It is also noted that the rear garden area between the existing house and the proposed building contains two 10m high (approx.) trees which will help to screen the development.

The impact of the development on potential future occupiers must also be considered. The Authority has recently granted consent for 16 affordable units on land to the west of the site ref 11/1165N. This application was approved in outline with all other matters reserved for subsequent approval therefore, it is considered that the design of the dwellings can be assessed when an application for reserved matters is submitted for consideration and if necessary, additional sound proofing measures within the dwellings would be required.

Noise generation has been a major concern both of the officers and neighbours as is borne out in the submitted comments. The noise assessment plan submitted in support of the proposal indicates that the impact of noise from the site can be made acceptable by mitigating measures. The independent report submitted on behalf of local residents included an additional noise assessment which questions the methodology and findings of the assessment submitted in support of the proposal. However, all such reports of question marks over the findings and conclusions they come to because it is not possible to accurately measure the sound levels generated and how this level will be affected by local conditions. Nevertheless, they do provide indication of the level and type of noise that will be generated and whether it can be controlled to acceptable levels by mitigating measures. The findings have been considered by the Authority's Environmental Health Department and subject to the introduction of controlling conditions requiring the submission of a noise mitigation scheme for approval, there is no objection in principle.

Nevertheless, following these concerns the Applicant has submitted a revised plan which proposes to enclose the batching plant, which is considered to be the main noise and dust generator, within a building. Whilst the building will have an open elevation it

will considerably improve noise containment from the plant, it will also include a sprinkler system to help prevent dust contamination.

The independent report by Rex Brockway suggests that the previous approvals on the industrial estate have sought to control noise generation in order to protect neighbouring residential amenity including maximum db level at the boundary. This particular proposal has also been considered with regard to noise generation however, a boundary noise level condition is not considered appropriate because experience as shown that such conditions are extremely difficult to monitor and enforce. It must also be noted that neighbouring residential amenity will be continually protected by the Environmental Protection Act should the operation of the site generate noise which is adjudged to be a statutory nuisance.

Highway Implications

The applicant has stated that 22 car parking spaces will be provided within the site. The amount of car parking proposed is consistent with the standards set out in Appendix 8.1 of the Replacement Local Plan industrial uses. The proposal for 22 spaces is below the maximum standard of 28 as set out in Appendix 8.1.

The application also indicates that 3 spaces will be provided for other light goods vehicles and 12 cycle spaces.

Therefore, off-street cycle provision is acceptable in principle subject to a controlling condition requiring details to be agreed and thereafter retained.

The HGV movements associated with manufacturing operation has raised considerable comments from members of the public who are concerned that the 24 vehicle movements per day will lead to road safety issues along Station Road which leads to the Village of Wrenbury and Wrenbury Road which leads from the site towards Aston and the A530 Whitchurch Road.

The supporting traffic statement was updated following the level of concern and officer comments. The amended statement which included existing traffic flow data indicated that during the two peak hours of the survey of the 253 vehicles using Station Road only 5 were HGV, this represented 2% of the vehicles. If the number of proposed vehicles were averaged out over a 10 hour working 2.4/hr and factored in it would represent an increase of 2% however, a figure of 4% in relation to the overall number of vehicles using the road is considered to be relatively small. It also has to be stated that the data was only collected over a period of one day therefore any conclusions made on it can only be afforded limited weight.

The statement also refers to the traffic demand which was generated when the site was last used for manufacturing. It is accepted that the previous use would have generated some HGV movements however, given the length of time since the factory closed any assumptions and claims are difficult to verify.

What is considered material is the extant permission for the 11 industrial units which included a full traffic impact assessment. The traffic statement supporting that application makes reference to the predicted traffic flow generation associated with the 11 industrial units. The supporting statement to this proposal concludes that the proposed traffic flows will be 25% lower than that predicted for the 11 industrial units.

It is accepted that this proposal will almost certainly generate fewer vehicle movements than those predicted for the 11 industrial units. Nevertheless, the proposal will increase the number of HGVs using the site over the previous lawful use and those which would be associated with the development of the 11 industrial units.

The consultation response received on behalf of the Strategic Highways and Transportation Manger does not raise an objection subject to the imposition of conditions to secure access alterations and improvements along the driveway; limits on the number of HGV movements; agreed routing plan and financial contributions for the installation of road traffic signs on Wrenbury Road to warn of road narrowing and to investigate the implementation of an environmental weight restriction area along Nantwich Road, Wrenbury.

The financial contribution will require a Section 106 agreement to secure delivery of the monies and to ensure repayment should the contribution not be spent. The applicant has agreed in principle to the contribution which amounts to £7,000.

It should be noted that the driveway to the site is not part of the application and it is understood falls outside the total control of the applicant. It cannot therefore be conditioned as part of this scheme. Further comments are awaited both from the applicants to verify ownership, and also from Highways as to understand the position further if the passing place is not provided. While it is appreciated that the proposal may generate more larger vehicles along the driveway, no such requirement was needed for the application for 11 industrial units. This use would have generated a mix of vehicles coming to and from those units, and it is also clear that the existing uses already generate a mix of traffic including HGV both into and out of the site. Officers are therefore concerned that to insist on a passing place would be unreasonable.

Pollution

The generation of dust by the manufacturing process has also been a major concern raised by neighbours who have concerns over the impact of cement dust on their health and the surrounding environment.

Under the Pollution Prevention and Control Act 1999, concrete block manufacturing is a prescribed process under Part B of the Environmental Permitting (England and Wales) Regulations 2012, and requires a permit to be issued by the Environmental Health Department. Therefore, the proposed manufacturing process as far as it relates to pollution will be regulated outside the Planning Act however, in principle, Environmental Health officers have indicated that the requirements for the issuing of any such permit can be met at this location. However, a condition is recommended to control dust generation on the site which falls outside the remit of the permit.

The Environmental Health Department have also advised a watching brief in relation to possible contaminated land matters during the construction process.

Drainage

The foul water drainage would be dealt with by means of a septic tank which is considered acceptable subject to agreement of details.

Whilst the application forms state that the surface water will be dealt with by means of a soakaway the subsequent supporting planning statement by Civitas Planning states that the surface water will be dealt with by a treatment plant which removes any contaminates for removal and recycles the water within the site. The manufacturing process including the external storage of the produce has the potential to contaminate the ground water therefore, a condition is recommended to agree details of the treatment plant and to remove any resultant contaminates from the site.

Ecology

The site is predominantly hard standing probably as a result of the demolition of the original creamery building. In the circumstances, it was not considered necessary or reasonable to require the applicant to undertake an ecological survey. The Authority's ecologist has confirmed this course of action as being appropriate.

Other Matters

The Parish Council have raised an issue in respect of a row of trees along the access road to the site, and whether they will be impacted upon by the development. The trees have been inspected and are considered to have a high amenity value in the area as they are widely visible. The loss of any trees would only become applicable if the passing place were required along the driveway, however as indicated above Officers do not believe that this can be conditioned. If such a passing place were needed, consideration in the form of a further plan and verification over land ownership would be required – at which point the impact on the trees could be fully assessed.

CONCLUSIONS

Considerable concern has been raised locally that the proposal will result in an inappropriate use in an inappropriate location due to an adverse impact on highway safety and neighbouring amenity. If the application involved the formation or expansion of an industrial site then greater material weight would be placed on these particular issues. However, the former and existing uses of the site, and current extant permissions establish the principle of the site with a various forms of industrial use.

It is accepted that the proposal will lead to an increase of heavy goods vehicles movements from the industrial estate along a road which has narrow points and a tight 90 degree bend. There are also issues relating to safety at the junction of Wrenbury Road, Aston with the A530 Whitchurch Road which has been the subject of accidents in the past. However, the increase in vehicle movements must be assessed against those which would be lost through the non-implementation for the consent for the 11

light industrial units on the same site. It is a well established convention that it is the number of vehicle movements which increase the likelihood of an accident not the type of vehicle. The Authority's Highway Engineers have not raised an objection in principle to the proposal subject to controlling conditions which have been discussed and accepted by the applicant.

The proposed manufacturing process will continue a general industrial use which has existed for many years albeit that it has lay dormant in the recent past. Other neighbouring general industrial uses currently operate with the benefit of planning permission including car repair businesses and a building fabrication operation. General industrial uses by their nature can conflict with other uses especially residential however, the imposition of controlling conditions to mitigate any disturbance to a level which is considered acceptable given the historical situation is considered acceptable.

Concerns have been raised that the operation will create unacceptable noise and contaminate the surrounding environment which includes the River Weaver however, the Authority's Environmental Health Department have no objection subject to conditions relating to hours of operation. Issues relating to general noise and dust associated with the manufacturing process will be dealt with as an ongoing requirement of the permit which is required under the Pollution Prevention and Control Act 1999. This impact has been further improved by the submission of revised plans which indicate the construction of a building around the batching plant.

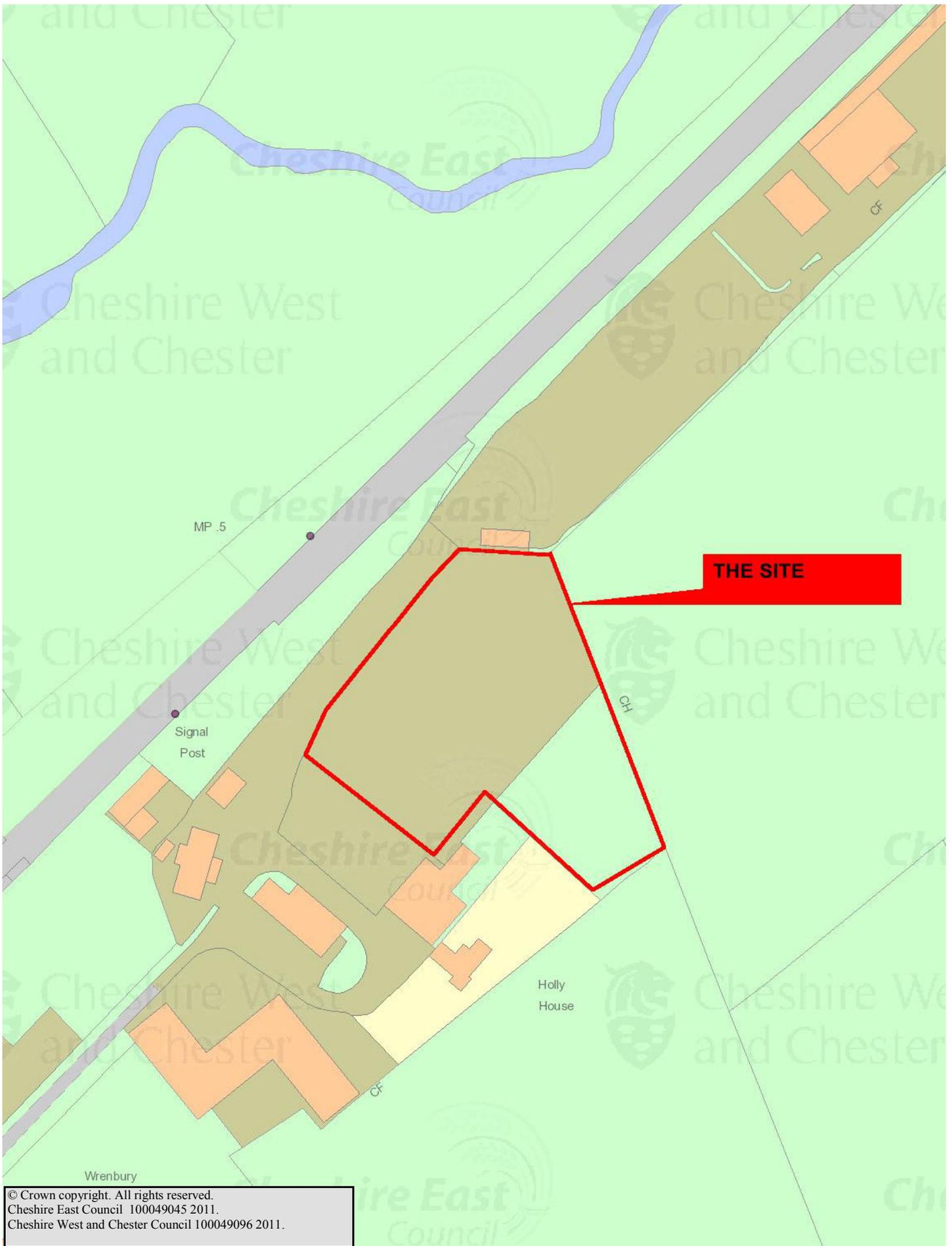
Given the nature of the existing site including the previous consents granted for similar general industrial uses on the estate, it is considered that the application accords with NPPF and adopted Local Plan Policy.

RECOMMENDATION: APPROVE (subject to a Section 106 Agreement to secure delivery of additional road signage and to investigate the provision of an environmental weight restriction area along Nantwich Road, Wrenbury.)

Conditions

1. **Standard time limits**
2. **Materials to be used on the external built form to be submitted for approval, prior to commencement.**
3. **Landscaping (hedgerow planting) to be submitted for approval prior to commencement**
4. **Landscaping implemented within the first planting season and thereafter protected for 5 years.**
5. **Surfacing materials to be used on the open areas to be submitted for approval prior to commencement.**
6. **Drainage scheme to be agreed and thereafter implemented and maintained in accordance with the agreed scheme.**
7. **Details of external lighting to be submitted and agreed prior to installation.**

8. Details of boundary treatment to be submitted for approval prior to commencement and thereafter implemented and retained.
9. Details of covered cycle parking to be submitted and agreed and available for uses prior to commencement for the use.
10. Details of parking to be submitted for agreement and available for use prior to commencement of the use and thereafter retained.
11. Retention of parking
12. No open storage within the site above 2m in height.
13. Hours of operation Monday – Friday 06-00 – 18.00 Saturday 06.00 – 18.00 and not at all on Sundays and Bank Holidays
14. Notwithstanding the limitations set out in Condition 13 the batching plant and any associated equipment shall only be operated between the hours of 08.00 – 18.00 Monday to Friday and 09.00 – 14.00 on a Saturday and not at all on Sundays and Bank Holidays.
15. Hours of construction Monday – Friday 08.00 – 18.00 Saturday 09.00 – 14.00 and not at all on Sundays and Bank Holidays.
16. Details of access and track improvement, including access track surface improvements to be submitted and agreed prior to implementation and available prior to commencement of the use.
17. Maximum of 24 heavy goods vehicle movements within approved hours in any one day. Operator must keep a log of HGV movements which shall be available for inspection at any time.
18. Adherence to travel route
19. Details of noise mitigation scheme including vehicle reversing alarm measures.
20. Personnel and fire doors to remain closed when not being used.
21. Site to be used for concrete panel manufacturing only and no other use within Class B2 without prior consent of the LPA.
22. No off-site sale of the un-cured concrete product or raw materials.
23. Implementation of dust monitoring measures.
24. Contaminated land, watching brief during construction phase.
25. Schedule of approved plans



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Cheshire East Council 100049045 2011.
Cheshire West and Chester Council 100049096 2011.

Application No: 12/0344N

Location: CHURCH BANK COTTAGE, WYCHE ROAD, BUNBURY, TARPORLEY, CHESHIRE, CW6 9PN

Proposal: Proposed Single Storey Side Extension And Single Storey Sunroom

Applicant: Mr & Mrs R Parr

Expiry Date: 20-Mar-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- List Description;
- Principle of Development;
- Design and Listed Building Issues;
- Assessment Against Policy BE.7 (Conservation Areas); and
- Amenity

REFERRAL

Members may recall that this application was discussed at a previous committee meeting (28th March 2012). However, it was deferred for a site visit in order to assess what impact the proposal may have on neighbouring amenity and the character and appearance of the conservation area and listed building.

DESCRIPTION OF SITE AND CONTEXT

The applicant's property is a relatively large two storey semi detached property, located directly opposite St. Boniface church. The applicants dwellinghouse is a Grade II Listed Building, timber framed with white infill panels under a slate roof. Attached to the rear of the property is a large two storey extension constructed out of red facing brick under a concrete tile roof, this extension is well set back and is attached to the host property by a two storey link extension. The modern extension incorporates a number of features which are not very sympathetic to the character and appearance of the host dwelling. The applicant's property is located wholly within the Bunbury Conservation Area and Settlement Boundary.

DETAILS OF PROPOSAL

This is a full application for a single storey side extension and single storey sun room at Church Bank Cottage, Wyche Road, Bunbury.

RELEVANT HISTORY

P08/0269 – Listed Building Consent for removal and rebuild of top six courses on chimney – Approved – 24th April 2008
P00/0534 – Listed Building Consent for External Alterations (Paint Work) – Refused – 14th September 2000
7/05465 – Listed Building Consent to Carry out Renovation and Rehabilitation of Timber Framed House – Approved – 19th July 1979
7/05464 – Alterations and Extension – Approved – 19th July 1979
7/04627 – Listed Building Consent – Alterations and Extensions – Approved – 14th December 1978
7/04626 – Alterations and Extension – Approved – 14th December 1978

POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

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)
BE.7 (Conservation Areas)
BE.9 (Listed Buildings: Alterations and Extensions)
RES.11 (Improvements and Alterations to Existing Dwellings)

Other Material Considerations

SPD - Extensions and Householder Development

CONSIDERATIONS (External to Planning)

United Utilities: No objections

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received 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

List Description

The list description for the property states:

'Cottage late C17, plastered brick nogged timber frame with tile roof. Single storey and attic, 9 panel bays. Sandstone plinth, timbers in small framing with angle and passing braces. Windows inserted within frame panels. C20 wing added (west), and linked by corridor unit, of no interest.

Interior: Bevelled beams and exposed joists, timbers exposed in internal wall'.

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), BE.7 (Conservation Areas) and BE.9 (Listed Buildings: Alterations and Extensions) 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.

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 and Listed Building Issues

The National Planning Policy Framework states that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The applicant is proposing on erecting a single storey side extension incorporating a mono pitch roof, which will be attached to the south facing side of the existing two storey rear extension. The single storey extension will project out approximately 2.2m by 4.5m wide and is 3.5m high to the ridge tapering down to 2.3m. According to the submitted plans the proposed extension will be constructed out of facing brick under a tile roof, which will be secured by condition, if planning permission is to be approved. Located on the front of the extension is a set of bi-fold doors and a window located on either side. On the west facing elevation is a small window. Due to the location of the extension, it will be screened by the host property and will not be visible from the public realm.

In addition to the above, the applicant is proposing on erecting a single storey side extension on the north facing elevation of the existing two storey outrigger. This extension will measure 3.3m deep by 4.9m wide and is 3.3m high to the eaves and 5.2m high to the apex of the ridge. The proposed extension will be constructed out of facing brick under a tile roof. The proposed extension will incorporate a pitched roof, which is in keeping with the host property.

The pitch of the roof of the extension is similar in pitch to the host property and on the west facing roof plane are two rooflights, which will be conditioned to be 'conservation area style'. According to the submitted plans there will be 3no. windows, one on each elevation. It is considered that the design and scale of the proposed apertures are in keeping with the host property and will not appear as alien or incongruous features.

It is not considered that the extensions would dominate or overwhelm the existing dwelling, or be read as a particularly prominent or obtrusive feature. The size of the proposed extensions sits comfortably with the modest scale of the Listed Building and will not appear as over dominant. Overall, it is considered that the proposal does not detract from the character or setting of the building concerned. Therefore, the proposal is in accord with policies BE.2 (Design Standards) and BE.9 (Listed Buildings: Alterations and Extensions) and advice advocated within the SPD – 'Extensions and Householder Development'.

In addition to the above, the applicant is proposing on altering the existing fenestration on the two storey rear extension, which detracts from the character and appearance of the host property and the conservation area. The proposed alterations to the fenestration are more sympathetic to the host building.

Assessment against Policy BE.7 (Conservation Areas)

Policy BE.7 states that an alteration or extension of a building will not be permitted unless it would harmonise with the building and the conservation area by:

- *Retaining, and where necessary, restoring traditional features such as shop fronts, boundary walls, paved surfaces and street furniture;*
- *Reflecting the scale, form and character of the building;*
- *Using materials traditionally characteristic of the area*

The aim of the conservation area is to conserve and enhance the special character of these areas by preserving existing buildings and features and promoting their appropriate enhancement.

Policy BE.7 states that development including the alteration or extension of a building will not be permitted unless it harmonises with the building and the conservation area. The case officer noted that attached to the rear elevation of the host property is an existing 2 storey extension, which appears to have been constructed approximately 20 years ago. It is considered that the proposed development as amended will not have a detrimental impact on the street scene or the conservation area. The proposal has been amended so that it is more sympathetic to the host property and the alterations do not appear obtrusive. The Conservation Officer has been consulted regarding the application and does not raise any objections. It is considered that the proposal complies with policies BE.2 (Design Standards) and BE.7 (Conservation Areas).

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 proposal will have a negligible impact on the residential amenities of the occupiers of the property to the north (Church Farm) of the application site. The case officer noted that the applicant's garden steeply rises away from the property, which will help to screen the majority of the single storey side extension. Furthermore, this boundary is heavily vegetated and Church Farm is set much further back in to its plot. It is considered given the scale, design, topography and boundary treatment will help to mitigate any negative boundaries and the proposal complies with policy BE.1 (Amenity).

It is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of the property located to the south of the application site. This property is the other part of the semi. The boundary treatment separating the two properties comprises a 1.8m high (approx) fence, which will help to screen the majority of the proposal and alleviate any problems associated with it.

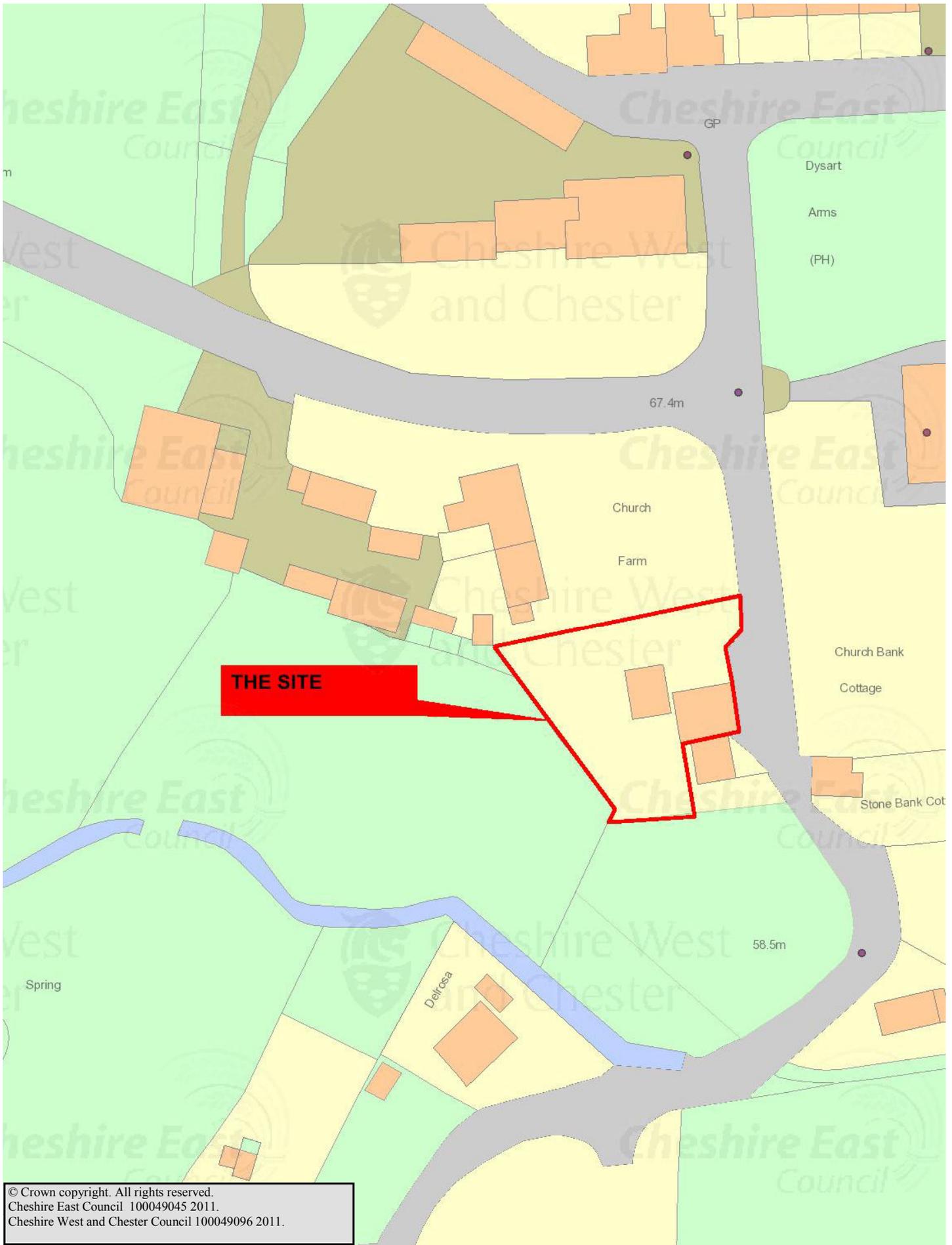
CONCLUSIONS AND REASON(S) FOR THE DECISION

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. Furthermore, it is considered that the development would not appear out of character and would help to preserve and enhance the Conservation Area and therefore complies with Policies RES. 11 (Improvements and Alterations of Existing Dwelling), BE.1 (Amenity), BE.2 (Design Standards), BE.7 (Conservation Areas), BE.9 (Listed Building: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials to be submitted and approved**

- 4. Doors/Windows Fabricated out of Timber**
- 5. Conservation Area Roof Lights**



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Application No: 12/0036C

Location: LAND NORTH EAST OF, DUNKIRK FARM, LONDON ROAD,
BRERETON, HOLMES CHAPEL

Proposal: The Construction of 18 New Affordable Two and Three Bedroom Houses

Applicant: Mike Watson, Plus Dane Group

Expiry Date: 28-Mar-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and S106 Legal Agreement

MAIN ISSUES:

- Principle of Development
- Housing Need
- Affordable Housing
- Design & Layout
- Highways
- Trees & Landscaping
- Ecology
- Public Open Space Provision
- Drainage and Flood Risk
- Residential Amenity
- Noise

1. REASON FOR REFERRAL

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

2. PREVIOUS MEETING

At the 28th March 2012 Southern Planning Committee, Members resolved to defer the planning application pending the receipt of further information. Members sought clarification about the existing housing figures/need in the area and details of the current status of other brownfield sites in the locality.

The housing need information taken from the SHMA 2010 and the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment, shows significant need for affordable housing in the Holmes Chapel area plus need in Brereton. To date, there has been a failure to deliver any of the affordable housing needed between 2009/10 – 2013/14 for these areas.

There have been other planning applications for brownfield sites in Holmes Chapel, which have resolutions to approve and will provide an element of affordable housing if they go ahead. These are:

08/0942/OUT – Fine Art, Victoria Mills, Holmes Chapel – 24 affordable units (the requirement is 15% of the total units on site are affordable or a minimum of 24 affordable units)

11/1682C – Former Fisons Site, Holmes Chapel Road, Holmes Chapel – up to 69 affordable units (this is 30% of the 231 units which the site has outline permission for)

If both these sites and the Dunkirk Farm site were developed, potentially there could be a maximum affordable housing provision of up to 111 new affordable units. This is slightly above the identified affordable housing need for Holmes Chapel alone (90 units). However, with the inclusion of the need identified for Brereton from the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment, the delivery of all the 3 sites would provide just under the required amount of affordable housing needed between 2009/10 – 2013/14.

The timescales for delivery of the proposed developments at Fine Art - Victoria Mills and the Former Fison's Site are not clear. What is clear is that it is unlikely that the first affordable units will not be ready for at least 2 years if development at the former Fison's site is to go ahead. This has been confirmed in correspondence between the applicant and Holmes Chapel Parish Council

With respect to the Fine Art site, the resolution to approve subject to signing of the S106 Agreement was given on 3rd February 2009 and the S106 Agreement has still not been signed over 3 years later. Commencement of development of that site is also subject to Fine Art relocating. Taking this into account, it is unlikely that the delivery of the affordable housing on these 2 sites will take place by 2013/14 and any such delivery will not cater for all of the identified need.

In terms of this application, the scheme is only small scale and the site constraints are minimal as it is a greenfield site. The applicant is Plus Dane, who has a commitment to deliver much needed affordable housing. The likelihood of this scheme being delivered in the next 2 years and this relieving the short term need is much greater. As such, Members are recommended to approve the application in line with the original resolution included in the report below.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a green field site situated on the west side of London Road just outside of the settlement boundary of Holmes Chapel. The site is broadly triangular in shape and measures just over 1 ha in size. The site is bounded to the northwest by the Crewe to Manchester Railway Line to the South West by open countryside and to the north by the River Croco beyond which there are residential properties arranged around a courtyard (Alum Court).

Directly to the south of the site is a private drive, which is accessed directly off the A50 London Road, which serves Dunkirk Farm to the east.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 18 affordable dwellings with access provided off the private drive serving Dunkirk Farm. The dwellings would be managed by a registered social housing company (Plus Dane Group). The tenure is proposed to be a mix of rented and shared ownership, which should the application be approved, would be secured by a Section 106 Legal Agreement.

4. RELEVANT HISTORY

09/2897C - The Construction of 18 affordable two-bedroom houses - Withdrawn 18/11/2009

10/3320C - The Construction of 18 affordable two-bedroom houses – Refused and Dismissed at Appeal

At the meeting of the Southern Planning Committee held on 1st June 2011, Members resolved to refuse an identical scheme on the following grounds:

‘The Local Planning Authority considers that the affordable housing requirements within the area could be accommodated for by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2005).’

The applicant lodged an appeal against the council’s decision and the appeal was subsequently dismissed on 14th December 2011.

In determining the appeal, the Inspector acknowledged that there is an identified local need for affordable housing in the area and that the contribution towards accommodating this need would not be fully met by the developments already approved in the village of Holmes Chapel. As such, there is a need to provide further affordable housing.

Whilst the inspector concluded that in principle, the scheme was acceptable, the appeal could not be allowed because the submitted unilateral undertaking, which aimed to secure the affordable housing, public open space and highways contributions, was inadequate. This was because the Deed had not been properly executed and therefore without an appropriate undertaking, the scheme failed to secure the housing as affordable. This was the principal and only reason that the appeal was dismissed.

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Regional Spatial Strategy (RSS)

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

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
RDF2 Rural Areas
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

Local Plan Policy

PS8	Open Countryside
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
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
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 Planning Policy on the Release of Housing Land
Interim Planning Statement: Affordable Housing
Strategic Market Housing Assessment (SHMA)

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation;

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

Design compendiums include 'By Design' and Manual for Streets'

6. CONSIDERATIONS (External to Planning)

Environmental Protection:

The Environmental Protection 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. The noise attenuation measures detailed in the submitted 'Noise and Vibration Survey' should be conditioned and implemented prior to occupation of the dwellings. It is also recommended that conditions relating to hours of construction, piling and associated deliveries to the site are imposed.

Highways:

Visibility from the proposed access point is good in both directions. London Road has an existing speed limit of 40 mph at the proposed access point, with it changing to de-restricted to the south. There are no pedestrian crossing facilities close to this site to the north (towards Holmes Chapel end). As such it is recommended that the developer provide a financial contribution towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north. Conditions relating to the construction of the access and turning head are recommended.

Environment Agency (EA):

No objection subject to the imposition of conditions relating to finished floor levels, ground levels, drainage, landscaping and a scheme for the future management and maintenance of the buffer zone with the River Croco.

Green Spaces:

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, it is acknowledged 900 sq metres of Amenity Greenspace is being provided on site. This is actually an over provision by 480sq metres but is welcomed and recognised when calculating and assessing the Children and Young Persons Provision.

Taking into account the amount of POS located within the area of the development site and the location of the POS that has been proposed, it would seem adequate, although more detail as to the landscaping proposals would be sought.

To the North and North East of the site there are existing trees and natural landscaping to be retained. In addition, boundary treatments of post and rail fencing incorporating some hedgerows to retain the openness and character of the site are to be provided. Clarification

would be required as to the intended end ownership of these areas due to any maintenance implications that may arise as a result of it. It is with this in mind therefore, that it is suggested that consideration is made for these areas of POS to be transferred to a management company. This, if preferred, could also be applied to the centrally located formal area of POS.

If the formal POS was to be transferred to the Council serving the development based on the Council's Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance: £10,647.00

If the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site provision would normally be required as there is none in the local vicinity, (the closest being over the 800m distance threshold set out in Interim Policy Note for the Provision of new Open Space).

Whilst Green Spaces acknowledge that this would be the requirement following guidelines and policy, it also recognises the provision of this may make the development economically unviable.

An alternative would be a contribution towards upgrading of the play facility at Middlewich Rd, Holmes Chapel. This is located approximately 950m distance from the development site but is the main park for the town of Holmes Chapel. The last play area report for CE in 2009 recommends;

- considering installing a new multi-play unit including a slide to accommodate the 12 and under age range, to replace the existing climbing frame and slide, two separate units if finance will allow, and a new rocking item.
- Ensure that there is a hard standing surface or pathway system into and across the site.
- Ensure any future development of the site in terms of equipment, ancillaries and access embraces the ethos of the DDA and allows accessibility for all.

With the above in mind and as a **guide only** a ballpark estimate for contributions sought from the developer would be;

Enhancement: £17,589.00
Maintenance: £12,537.00 (25 years)

The enhancement figure is based on 2 items of equipment including a small multi unit and rocking item for the under 7-age range. Green Spaces would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the community, thus enabling the 'pooling' of funds should the old Aventis site and/or old wallpaper site (FADS) be developed.

It should be noted that the maintenance figure is based solely on the estimated extra (42) persons emanating from the development and will contribute to the existing maintenance budget.

Public Rights of Way Unit:

Whilst the site is adjacent to public footpath no. 2, in the Parish of Brereton as recorded on the Definitive Map, it appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advisory notes to any planning consent to ensure that developers are aware of their obligations with regards to health of the users of the public right of way.

United Utilities (UU):

United Utilities offer no objection to the proposal subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS.

University of Manchester (Jodrell Bank):

The University of Manchester recommends that the development should incorporate materials that assist in the electromagnetic screening of the development to prevent interference with the Jodrell Bank telescope.

Network Rail:

No objection subject provided the development does not encroach onto Network Rail land and subject to conditions relating to boundary treatment, drainage, construction, noise / vibration, landscaping including hard-standing.

7. VIEWS OF THE PARISH COUNCIL

Holmes Chapel Parish Council object for the following reasons:

- The site is outside the established development zone line for Holmes Chapel and, therefore, is in open countryside
- There are adequate Brownfield sites within Holmes Chapel where affordable housing can be accommodated
- Outline planning permission has been granted for 2 Brownfield sites – Victoria Mills and Sanofi Aventis. Building on the latter site is programmed to start in September 2012
- It is not considered that the figures, used by the Inspector in connection with the appeal for a previous application for this site, reflect the true position; nor is contamination an issue for this part of the site
- Therefore, current permissions on Brownfield sites will cater for immediate affordable household needs in Holmes Chapel for the time being

Brereton Parish Council object and consider that the affordable housing requirements within the area could be accommodated for by alternative Brownfield sites in the locality which would negate the need to use land within the open countryside. The proposal is therefore contrary to Policy H14 of the adopted Congleton Borough Local Plan First Review (2006).

8. OTHER REPRESENTATIONS

Letters have been received from 22 addresses objecting to this application. 3 Letters of objection have been forwarded on by the MP Fiona Bruce. The grounds for objecting are as follows:

- The application has no significant differences to 10/3320C which was refused
- There is already outline planning permission for 231 houses, 69 of these being affordable
- Traffic problems – A50 is dangerous and congested
- More traffic, disruption, making the schools in Holmes Chapel more populated hence requiring more teachers, over subscriptions at the doctors, dentists and placing strain on local infrastructure within Holmes Chapel
- Loss of biodiversity and habitats
- Loss of views and intrusive within Open Countryside
- Will exacerbate drainage and flooding issues
- Brownfield sites should be prioritised before Greenfield sites (CPRE)
- Would set an undesirable precedent
- There is already an ample supply of affordable units set to be built according the Council's SHLAA
- Loss of privacy
- Loss of 6 trees
- The adjacent fields are in the same ownership. If permitted this could lead to pressure for further houses
- The application is not supported by a survey of housing need in accordance with policy
- Dane Housing cannot let their current vacant units
- More suitable sites should be considered before this one within Holmes Chapel e.g. Sanofi Aventis, Fads, Victoria Mills, Albion Chemicals and Arclid
- Proposed parking facilities are very close which will obviously mean more noise and pollution for residents on Alum Court
- The site is in the Parish of Brereton and therefore the houses should be situated within Brereton Village.
- Flooding and drainage issues.- During heavy rain, the pumping station at Sanofi - Aventis cannot cope with the increased capacity. On a number of occasions the sewers have flooded resulting in sewage flowing into public areas

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement Incorporating a Design & Access Statement
Affordable Housing Statement
Flood Risk Assessment
Highways Assessment
Noise Impact Assessment
Phase 1 Habitat Survey
Tree Survey
Arboricultural Implications Assessment

10. OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Holmes Chapel and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review. National planning policy in the form of Planning Policy Statement 3: *Housing* indicates that where viable and practicable, local planning authorities should consider releasing sites solely for affordable housing in perpetuity that would not normally be used for housing because, for example, they are subject to policies of restraint. Consistent with this advice, saved policy PS8 of the local plan restricts development within the open countryside, with a number of exceptions, which include affordable housing for local need.

Local plan policy H14 outlines the detailed requirements for affordable housing schemes within the rural parishes of the former Borough of Congleton. It promotes proposals which meet an identified local housing need that cannot be accommodated any other way and indicates that sites must be small and close to existing or proposed services and facilities. It requires developments to be appropriate to the locality in terms of scale, layout and design. It also explains that schemes should consist only of low cost housing in perpetuity, which is for rent, shared equity, or in partnership with the local housing authority or a housing association.

In addition, policy H14 indicates that such schemes must be subject to a legal agreement to ensure, amongst other matters, that initial and subsequent occupancy is limited to members of the local community who are in housing need, that occupants are prevented from subsequently disposing of the properties on the open market and a satisfactory mechanism is established for the management of the scheme. As such, the principle of affordable rural housing within the open countryside is acceptable subject to local need and compliance with other material planning considerations. This view was supported at appeal by the planning inspector (appeal ref: APP/R0660/A/11/2159406).

Housing Need

The site located in the Parish of Brereton. However, it was agreed that due to the proximity to Holmes Chapel the Housing Need should be looked at for this area primarily as it would be an extension to this area. There is also affordable housing need information available for Brereton. Although the housing need was determined when the appeal for the site was considered, due to the time that has passed, the housing need has been checked again.

The SHMA 2010 shows that for Holmes Chapel there is a requirement for 90 new affordable units between 2009/10 – 2013/14. This is made up of a net requirement for 18 new units per year. The unit types required are 4 x 1bed, 9 x 3bed, 2 x 4/5bed and 1 x 1/2bed older persons units.

Although the main housing need identified is from Holmes Chapel, given that the site is in Brereton the affordable housing need for this area has also been examined. Brereton comes under the Sandbach Rural sub-area for the purposes of the SHMA 2010. The SHMA shows that for Sandbach Rural there is a requirement for 5 new affordable units between 2009/10 – 2013/14. This is made up of a net requirement of 1 new unit per year.

Brereton was also one of the areas which was part of the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment. This showed that there are 19 hidden households. These are households that contain at least one adult who wishes to form a new household within Cheshire East in the next 5 years.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 91 applicants who require housing in Holmes Chapel and 5 applicants who require housing in Brereton. The applicants who require housing in Holmes Chapel require 25 x 1bed, 28 x 2bed, 19 x 3bed and 7 x 4bed (12 applicants didn't specify the number of bedrooms required). The applicants who require housing in Brereton require 1 x 1bed and 4 x 2bed.

The Housing Need information shows significant need for Affordable Housing in the Holmes Chapel area plus need in Brereton and to date there has been no delivery of any of the Affordable Housing needed between 2009/10 – 2013/14 for these areas. There have been other planning applications for sites in Holmes Chapel which have been approved or have resolutions to approve and include affordable housing. These are the Fine Arts (Victoria Mills) and the former Fisons sites.

If both these sites and the Dunkirk Farm site were developed there could be affordable housing provision of up to 111 new affordable units. This is slightly above the identified affordable housing need for Holmes Chapel alone. However with the inclusion of the need identified for Brereton the delivery on the 3 sites would provide just under the required amount of affordable housing needed between 2009/10 – 2013/14.

The timescales for delivery of the proposed developments at Fine Art, Victoria Mills and the Former Fisons Site, will not be able to cater for the need in the short term (i.e. before 2013/14) due to phasing and site specific issues such as contamination and remediation. Consequently, without delivery of some units, the need will be exacerbated.

Thus, in the light of the evidence of need demonstrated by the SHMA, the Congleton and Macclesfield Border Rural Housing Needs Survey Assessment and Cheshire Homechoice coupled with the previous appeal decision, it is concluded that there is an identified local need within Holmes Chapel and as such a refusal could not be sustained on this basis. The Council's Housing Strategy and Needs Manager support this application and as such the principle of the proposed development is deemed to be acceptable.

Affordable Housing

With regard to the issue of type and tenure, the tenure mix of the affordable units being offered by the applicant is 10 shared ownership and 8 social rented. This does not meet with the required tenure split of 65% social rent and 35% intermediate tenure identified in the SHMA 2010. However, the tenure split offered is the same as on application 10/3320C for this site which was accepted.

Provided that the Section 106 Agreement competently secures the provision and retention of the affordable housing in perpetuity, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing and addresses the reason for dismissing the previous appeal. Subject to this, the requirements of local policies PS8 and H14 are considered to have been met.

Design & Layout

The proposed layout shows the dwellings configured in an L shape positioned along the northeastern and northern boundaries. This would allow the highways layout to follow a similar pattern with the remaining southern portions of the site given over to public open spaces/amenity space. This would also increase the separation with the southern boundaries and would provide scope for further planting along these boundaries so as to minimise the visual impact on the open countryside.

Whilst the Senior Landscape and Tree Officer has expressed concern about the visual impact on the proposals, it is considered that the potential harm the landscape would be minimised. Furthermore, it should be noted that the previous Inspector raised no concerns about the visual impact of developing this site and therefore it is not considered that a refusal on these grounds could be sustained. The proposed layout would provide a high quality public realm with good surveillance across the area of open space and formal areas of landscaping. There would be well-defined active frontages with areas of hardstanding and parking kept to a minimum. Consequently, the revised layout is deemed to be acceptable in design terms.

With regard to the design of the proposed dwellings, they would be modest in terms of their size and scale and rural in character. The house types would vary and this would help to provide some differentiation within the development itself. The individual design of the house types proposed is deemed to be acceptable. As such, the proposal satisfies the requirements of the NPPF, By Design, Manual For Streets along with local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

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 proposed development would be served by a new access created off the A50 London Road. This new access would also accommodate the vehicle movements generated by the residential units at Dunkirk Farm and as such the existing access would be closed off.

The Strategic Highways Manager has assessed this application and has offered no objection to the proposal on highways grounds. However, because of the rise in vehicle movements coupled with existing development at Dunkirk Farm, it has been recommended that the 40 mph speed limit be extended further south to lessen the conflict between vehicles emerging and accessing the site with traffic travelling along the A50 London Road.

The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended pedestrian island to the north on London Road and the contribution towards traffic management to extend the 40 mph speed limit are considered to be relevant and proportionate to the development. Therefore, the proposal complies with the requirements of policies GR9 and GR18.

Trees & Landscape

The layout proposed would require the removal of a section of roadside hedgerow, a short line of unmaintained Hawthorn (possibly a remnant hedge) and a number of mature trees. The Senior Landscape and Tree Officer (SLO) has considered the impact of the proposed replacement

access and hedge removal in relation to the Hedgerow Regulations 1977. A new access would be exempt from a Hedgerow Removal Notice if the existing access were closed up with hedge planting within 8 months. Therefore the SLO has not assessed any ecological or historic criteria under the Regulations.

The short line of Hawthorn is not significant and the SLO is satisfied that the individual trees identified for removal have defects, which make them unsuitable for long-term retention. Subject to appropriate protection measures and certain remedial arboricultural works, it should be possible to retain trees identified for retention within the layout as proposed. In the event that the proposals are deemed acceptable, comprehensive tree protection, boundary treatment, levels and landscape conditions are recommended.

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. The proposed layout shows that there would be a central core of open space within the site.

The Council's Greenspaces division have stated that the proposed general open space provision is acceptable subject to either a maintenance contribution or transfer to a management company. However, no provision for children's informal play space is specified on the proposed plans. Therefore, Greenspaces have recommended contributions towards the cost of provision and future maintenance off site. The applicant has confirmed that Plus Dane will provide play equipment and will maintain the open spaces in perpetuity. Thus, subject to this being secured by way of a legal agreement, and to the specification of the Council's Greenspaces division, the financial contributions would not be required. The applicant has confirmed acceptance of this and consequently the scheme is compliant with SPG1.

Ecology

In view of the fact that the development would involve the removal of some tree specimens and scrubland, and given that evidence of use of the site by protected species has been found in the area, 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,

The application is supported by a Phase 1 habitat survey. 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. With respect to birds, bats and barn owls, the ecologist has no objection to the proposals subject to the retention of 3 tree specimens, conditions relating to the protection of breeding birds, provision of bat and bird boxes, a 5m buffer zone along adjacent River Croco and the submission of 10-year-management plan to include the area of adjacent grassland identified in submitted ecological survey.

Concerns have been expressed regarding potential impacts on further protected species. A further survey has confirmed the presence of a badger's sett located on the railway embankment adjacent to the boundary of the proposed development.

The sett will not be directly affected by the proposed development however, in the absence of mitigation there may be indirect disturbance of the sett and some loss and isolation of foraging habitat.

To mitigate the adverse impact of the proposed development on badgers the applicant proposed to retain the sett in situ and to provide a narrow corridor around the site to allow badgers free movement. Works within 30m of the sett will be subject to a Natural England license and will be timed to avoid the sensitive period. Finally, nut and fruit bearing trees are proposed to provide an additional foraging resource to mitigate for any loss of foraging habitat associated with the proposed development.

The proposed mitigation is proportionate to the potential impacts associated with the proposed development.

Drainage and Flood Risk

The NPPF states that LPAs should, in determining planning applications, give priority to the use of sustainable drainage 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. 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.

Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in PPS25 states that a sequential approach is to be followed at all levels of the planning process. The proposed development is for a more vulnerable use, part of which lays within flood zone 3; the sequential and exception tests should therefore be applied to the site in accordance with table D.3 of PPS25 (Annex D). The site has not been subject to these tests under the former Congleton Borough's Strategic Flood Risk Assessment. Nonetheless, the Environment Agency has accepted that the updated Flood Risk Assessment is acceptable as the amount of development falling with zone 3 would be minimal and therefore compliance with conditions relating to finished floor levels, ground levels, drainage and a scheme for the future management and maintenance of the buffer zone with the River Croco would ensure compliance with local policies GR21 and the advice within the NPPF.

Residential Amenity

The proposed dwellings would back onto the properties situated on Alum Court. However, the separation distance between the new and existing properties would exceed the minimum separation distance of 21.8 metres between principal windows as set out in the Council's Supplementary Planning Guidance (SPG2). As such, the impact on the nearest residential properties would not be significant. Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2.

Noise

The application is supported by a noise assessment, which assesses the likely potential impact of the adjacent Crewe to Manchester Railway Line on the future occupants of the proposed dwellings. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. The Councils' Environmental Health Division is satisfied with these measures and as such the proposal is deemed to be acceptable and in accordance with policy GR6.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is found to be acceptable. Whilst this is a Greenfield site and the loss of any such site to housing is regrettable, consideration also needs to be given to the need for the Council to ensure an adequate supply of housing. There is an identified need for affordable housing both within the rural Parishes of Brereton and Holmes Chapel even having regard to those sites that already benefit from planning permission in the locale. This view was supported when a similar scheme was considered at appeal (ref: 10/3320C).

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 subject to measures aimed at reducing the speed limit on London Road. There would be no adverse impact on trees. The applicant will ensure provision of the public open space and play equipment, which will be maintained by the Plus Dance housing Group in perpetuity. The risk posed to drainage is not deemed to be high and could be controlled through the use of SUDS and conditions recommended by the Environment Agency. Subject to appropriate ecological mitigation, the applicants have demonstrated general compliance with national and local guidance in a range of areas. The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

The drafting of the Section 106 by the Borough Solicitor will address the Inspectors previous concerns about the inadequate unilateral undertaking submitted by the Applicant at the previous Appeal.

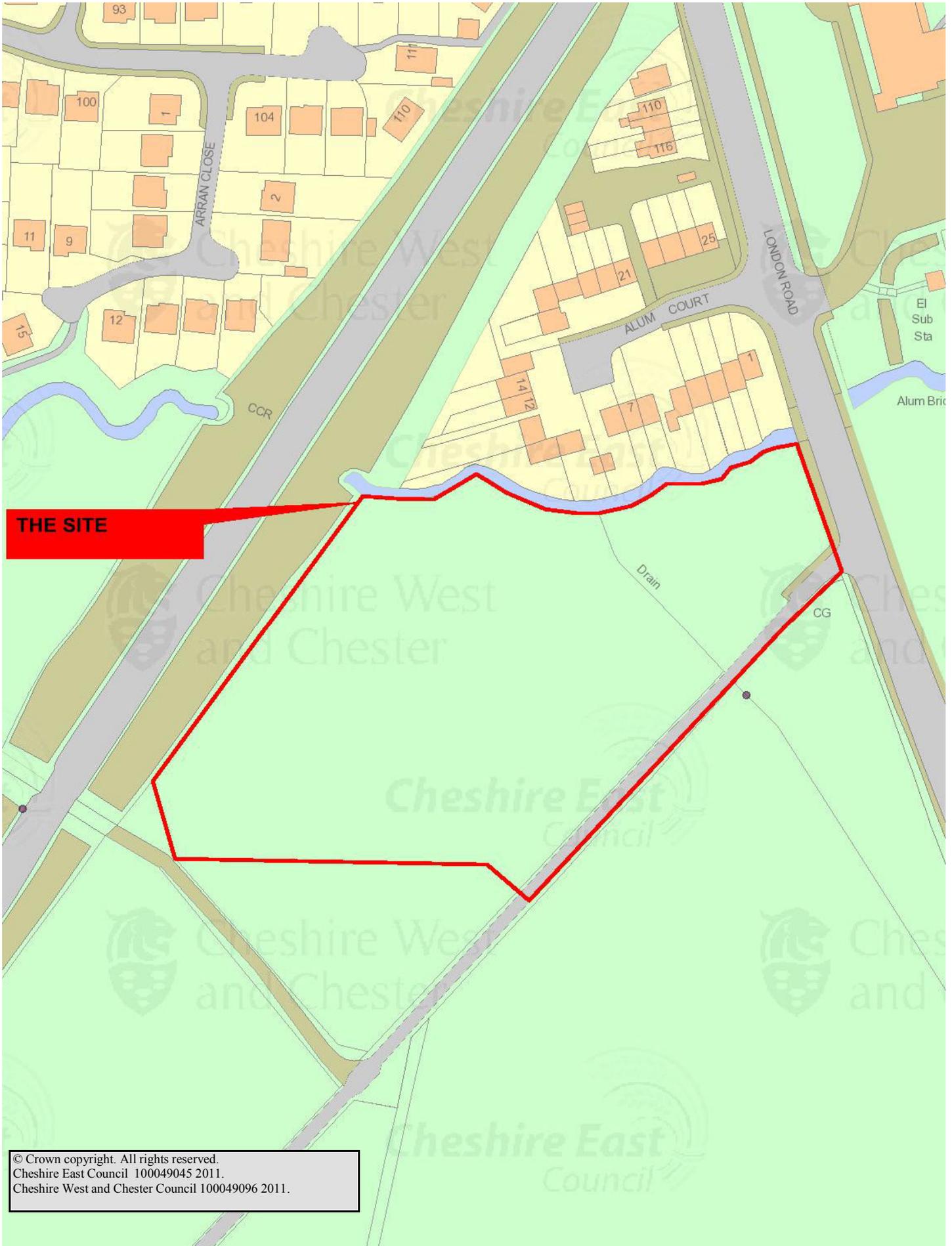
12. RECOMMENDATION:

APPROVE subject to the completion of a S106 agreement to secure affordable housing, public open space provision, and highways contributions towards traffic management improvements for an extension of the 40mph speed (to the south) and a pedestrian refuge island to the north.

Conditions

- 1. Commence development within 3 years**
- 2. Development in accordance with approved drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of details of electromagnetic screening measures to be submitted (Jodrell Bank).**
- 5. Submission and implementation of detailed access and junction plans**

6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
7. Details of the closure of the existing access off London Road (including native hedge planting) to be submitted
8. Landscaping scheme (to include native species for ecological value) to be submitted
9. Implementation of approved landscaping scheme
10. Submission and implementation of a tree protection scheme
11. Submission and implementation of details of boundary treatments
12. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
13. Scheme for the provision of bat and bird boxes to be submitted
14. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS
15. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 53.82m above Ordnance Datum (AOD)
16. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system
17. Submission and implementation of a scheme for the provision and management of a buffer zone alongside the watercourse to include details of buffer zone with River Croco, details of planting, management plan for the buffer zone and details of footpaths, fencing, lighting
18. Submission of details of existing and proposed ground levels
19. Submission of a Phase 1 land contamination survey
20. Construction management plan to be submitted
21. Noise attenuation measures to be carried out prior to occupation of dwellings in accordance with recommendations included within noise report
22. Limits on hours of construction including delivery vehicles.
23. Limits on hours of piling
24. Removal of permitted development rights for extensions, outbuildings and gates walls and fences.



THE SITE

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Cheshire East Council 100049045 2011.
Cheshire West and Chester Council 100049096 2011.

Application No: 12/0650N
Location: LAND SOUTH OF MEADOW RISE, HOLMSHAW LANE, HASLINGTON
Proposal: A New single-storey dwelling
Applicant: MR & MRS J COUPLAND
Expiry Date: 09-Apr-2012

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principle of the Development
- Amenity
- Design and Scale

REASON FOR REFERRAL

The application was called in to Southern Planning Committee by Councillor John Hammond on the following grounds:

“Should the officer recommendation be for refusal then Haslington Parish Council has requested that the application be determined by Committee as it is considered that an exception should be made to Policy NE2 of the Crewe & Nantwich Replacement Local Plan 2011 as any objections are outweighed by the specific personal circumstances associated with the applicants and the long term care plans for their disabled daughter.”

DESCRIPTION AND SITE CONTEXT

This application relates to a plot of land on the western side of Holmshaw Lane, Haslington. To the north there are three residential properties including the one owned by the applicant. The site is designated as being within the open countryside in the adopted local plan.

DETAILS OF PROPOSAL

This proposal seeks full planning permission for a detached bungalow in what is currently a paddock with associated buildings. The dwelling would provide 3 bedrooms, 2 with en-suite and additional living accommodation including kitchen, studies and boot room.

The main justification for the application is that the dwelling would provide suitable living accommodation for the applicants, in particular for their disabled daughter.

RELEVANT HISTORY

11/3677N	2011	Withdrawn application for new dwelling
P02/1342	2003	Refusal for dwelling. Appeal dismissed

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

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
- RDF2 Rural Areas
- 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

Local Plan

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

- RES.5 Housing in the Open Countryside
- NE.2 Open Countryside
- NE.3 Areas of Special County Value
- BE.1 Amenity
- BE.2 Design
- BE.3 Access and Parking
- BE.4 Drainage, Utilities and Resources

CONSIDERATIONS

United Utilities:

Have not provided a response on this application but had no objections to the previous application that was withdrawn.

Environmental Protection:

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

Highways:

This development requires the reconstruction of the vehicular crossing to current specifications. The Strategic Highways Manager recommends that the following informative be attached to any permission which may be granted for the above development proposal:

Prior to first occupation the developer will enter into a Section 184 Agreement under the Highways Act 1980 and will reconstruct the existing vehicular access to current highway specifications.

VIEWS OF TOWN/PARISH COUNCIL

The application was discussed at the March meeting of Haslington Parish Council. The meeting agreed that Haslington Parish Council support the proposed development on the basis of providing appropriate accommodation for the applicant's disabled daughter with a development that would not appear to result in catastrophic damage to the specific area of open countryside, provided the following conditions can be applied to the development:

- * The covenants and restrictions proposed by the applicant are applied to development - specifically the unilateral undertaking included in the application and that the proposed bungalow will be used only by a person with disability and their carers
- * Safeguards are applied to the existing and proposed trees, hedges and other vegetation to retain the local characteristics of the open countryside.
- * Permitted development rights be removed

Request that Cllr John Hammond call in the application for a decision by the Southern Planning Committee requesting an exception be made to Policy NE2 given the specific circumstances of the applicants and the long term care plans for their disabled daughter.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the open countryside where Policies NE.2 and RES.5 apply. These policies state that new dwellings in the open countryside will only be allowed if they are essential for the purposes of agriculture, forestry or outdoor recreation, or involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

This proposal is for a new dwelling to accommodate the applicants and their disabled daughter and therefore does not meet the requirements of the policies outlined above. The applicants have submitted supporting information as justification for making an exception to the relevant policies. These documents have been given careful consideration and whilst officers understand the difficulties faced by the applicant's daughter, it is not considered that these circumstances justify the creation of a new dwelling in the open countryside.

This issue was considered at a Public Inquiry in 2006, relating to a similar case, at Mill Run, in the former Congleton Borough. In this case the applicant's daughter's disability and housing needs were considered to be a material consideration, which had to be weighed in the balance against the planning policy presumption against residential development in the Open Countryside. However, in order to determine the weight to be given to those personal circumstances it was necessary to examine the reasonableness of the housing needs which were claimed by the Appellants and the criteria and the efforts employed by them to find suitable accommodation elsewhere.

The Appeal turned on whether the features of the proposed dwelling proposed by the Appellants were “essential” or “desirable” for their disabled daughter. Having considered this issue the inspector determined that, having regard to grants and other assistance which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

The justification for the applicants existing property not being suitable, largely relates to building regulations and does not give any reason why she would be unable to continue living there, due to her special needs. In addition should the works considered necessary to bring the existing dwelling up to what the applicants believe is a suitable standard for their daughters future care, these would cause disruption to her, which may be distressing but would only be short term. Whilst such disruption would not be ideal, it is not considered that this is sufficient reason to allow a new dwelling in the open countryside contrary to the policies in the adopted local plan.

As stated above, officers understand the aspirations of the applicants to provide a dwelling in the paddock for their daughter, however the information submitted has not given sufficient justification that it is “essential” rather than “desirable” in order to make an exception to Policies NE.2 and RES.5.

Having regard to Policy NE.2, the site is not considered to constitute the infilling of a small gap in an otherwise built up frontage and this view was supported by the Inspector on the appeal decision for the previous application.

The proposal is therefore considered to be contrary to Policies NE.2 and RES.5 and unacceptable in principle and the personal circumstances of the applicants do not outweigh this.

Amenity

Having regard to the amenities of the neighbouring property, due to the siting of the proposed dwelling, it is not considered that there would be any significant adverse impact on the amenities of this dwelling. The proposal is therefore considered to be in compliance with Policy BE.1.

Design and Scale

This proposal is for 3 bedroom bungalow finished in traditional materials. It is considered that the design and scale of the buildings are appropriate in the context of the site. The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways and Parking

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

CONCLUSIONS

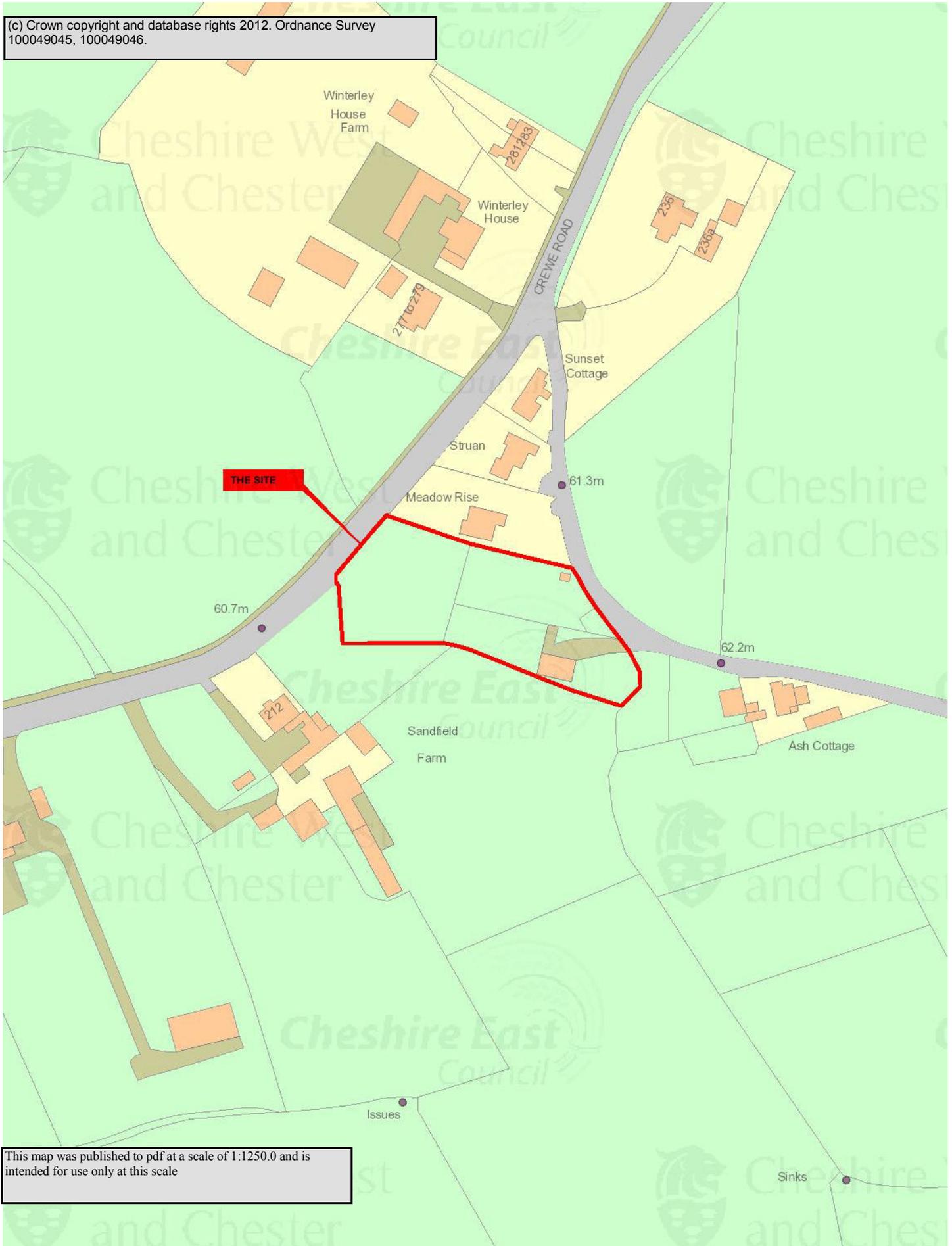
In conclusion, the site is within the open countryside and does not constitute a small gap in an otherwise built up frontage. Insufficient justification has been provided in order to render it an exception to Policies NE.2 and RES.5. The proposal is therefore not acceptable in principle and the application is recommended for refusal.

Should members be minded to recommend approval of the application, it must be referred to Strategic Planning Board as it would be a departure from the development plan.

RECOMMENDATION: Refuse for the following reasons:

1. The proposal is for a new dwelling in the open countryside, which is contrary to the requirements of Policy RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the applicant has failed to demonstrate that there are very special circumstances that outweigh the requirements of this policy.
2. The proposal does not constitute the infilling of a small gap in an otherwise built up frontage, contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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Application No: 12/0707C

Location: SILVER BIRCHES, NEW PLATT LANE, CRANAGE, CHESHIRE, CW4 8HS

Proposal: Demolition of existing detached house and construction of 3 new houses.

Applicant: Bob Quirk

Expiry Date: 17-Apr-2012

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

**Principle of the Development
Design**

Amenity of Neighbouring Properties

Highway Safety

REASON FOR REFERRAL

The application has been referred to as it has been called in by Councillor L Gilbert on the grounds that: *"To consider whether the proposal is consistent with the character of the area."*

DESCRIPTION AND SITE CONTEXT

This application relates to a site currently occupied by one, two-storey detached dwelling house situated on the southern side of New Platt Lane, Cranage. The site is set within an area of protected woodland. The site has a largely rural feel due the large plot and extensive tree cover and the surrounding area has mostly large single dwellings in extensive plots. Consent was granted on this site in 2010 for the demolition of the existing house and erection of 2 dwellings.

The site is set within an area of protected woodland and within the infill boundary line of Rudheath Woods, as designated in the adopted local plan.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the erection of three dwellings, one detached and the others taking the form of semi-detached properties. The detached dwelling would provide three bedrooms and the semi-detached dwellings would provide four bedrooms.

Both dwellings would have gabled elevations with an asymmetric appearance and would be constructed with a brick and render finish with a tiled roof.

RELEVANT HISTORY

11/4382C	2012	Refusal for 3 dwellings
10/4949C	2011	Refusal for 3 dwellings
10/0059C	2010	Withdrawn application for 1 dwelling
09/4288C	2010	Approval for two dwellings
35366/3	2003	Approval for extensions
30121/3	1998	Approval for rear extension
13616/3	1981	Approval for pitched roof over garage
13134/1	1981	Refusal for dwelling

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

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
- RDF2 Rural Areas
- L2 Understanding Housing Markets
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Managing Travel Demand
- RT9 Walking and Cycling
- EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

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

PS8 Open Countryside
H1 & H2 Provision of New Housing Development
H6 Residential Development in Open Countryside & Green Belt
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats

SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities
SPD14 Trees and Development

Other Material Considerations

National Planning Policy Framework

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or
 - *specific policies in this framework indicate development should be restricted*

(Paragraph 14)

CONSIDERATIONS (External to Planning)

Environmental Protection:

Request that the hours of construction and any necessary piling are limited by condition.

Highways:

The existing access for this property is sufficiently to support the low additional number of traffic movements. It has adequate existing visibility for emerging and approaching traffic.

The Strategic Highways Manager has no comment or objection to make regarding this application proposal.

United Utilities

No objections.

Jodrell Bank

Recommend screening methods for the proposed new development.

VIEWS OF TOWN COUNCIL

Objection. Must be subject to compliance policies H6 and PS6. Sewage disposal needs to be addressed as unable to cope presently. Over development of the site.

OTHER REPRESENTATIONS

Seven representations been received relating to this application, expressing concerns about the following:

- Additional traffic generation
- Potential for parking on New Platt Lane
- Over development of the site
- Disproportionate density of housing out of character with the area
- Semi-detached housing is out of character
- Inadequate useable amenity space due to over-shadowing by trees
- Adverse impact on wildlife
- Possible detrimental impact on trees and shrubs in neighbouring properties
- Setting a precedent for further, similar development in the area

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.” (Paragraph 17)

In addition it states that local authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.” (Paragraph 47)

The site is designated as being within Infill Boundary Line of Rudheath Woods and as such limited development is acceptable provided that 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.

Two previous applications for three dwellings on the site were previously refused on the grounds that they would be out of character in terms of intensity, scale and appearance. These proposals however, were for three detached dwellings within the plot.

The application that was approved was for two dwellings and this proposal, whilst for three dwellings, is for two buildings that would be of a similar size and footprint to those approved. This consent is extant and could be implemented.

The Council is unable to demonstrate a five year supply of housing as required by the NPPF and as such the increase in the amount of dwellings is considered to be acceptable. Given these factors, the proposal is considered to be acceptable in principle.

Design

The dwellings would be of a traditional design with gable features and a pitched roof, with Arts and Crafts features. They would be finished with concrete roof tiles, brickwork and render. This type of design and finish is common in the local area and is considered to be acceptable in design terms. In addition the design is very similar to the scheme that was approved for two dwellings. This approval is extant and could still be implemented.

The proposal is therefore considered to be in accordance with Policy 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.

Due to the siting of the dwellings in the plot and the extensive screening provided by trees and shrubs, there would be no adverse impact on the amenities of the existing properties neighbouring the site. Having regard to the amenities of the occupiers of the proposed new dwellings, the only windows in facing side elevations would serve the living room and a bedroom in Unit 2. These windows are in a circular bay and face in such a way as to overlook the only the front and side garden of this unit. As such it is considered that their privacy levels would be acceptable. Both plots would benefit from more than adequate private amenity space.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

Highways

The Strategic Highways Manager has no objections to the proposal. Vehicles would be able to enter and leave the site in a forward gear and there is an adequate level of parking,

therefore the proposal is considered to be in compliance with Policy GR9 of the adopted local plan.

Ecology - Protected Species & Nature Conservation

The ecological consultant who undertook the survey is suitably qualified and experienced to undertake this type of work.

No evidence of roosting bats was recorded and officers are satisfied that roosting bats are unlikely to be affected by the proposed development. A condition should be imposed in order to protect breeding birds.

Landscape and Trees

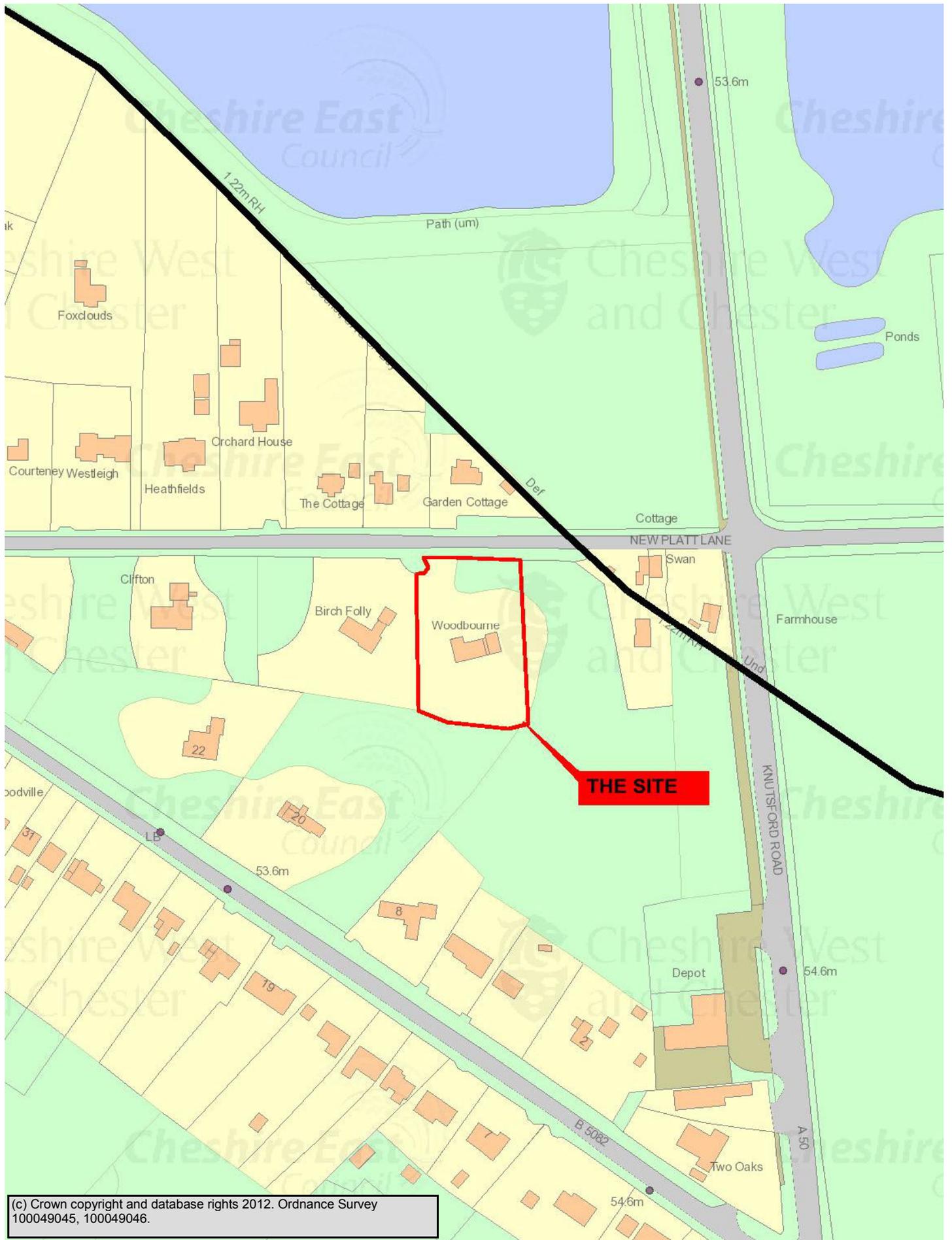
The whole site is within Woodland W1 of the Northwich Road, Cranage, Tree Preservation Order, 1988. The proposed development would require the removal of three trees. Several other trees are identified for removal due to their condition. The trees identified for removal for development are not exceptional and the losses could be mitigated by replacement planting. With tree protection and replanting conditions, overall it would appear possible to accommodate the development without significant impact on protected trees.

CONCLUSIONS AND REASONS FOR THE DECISION

The proposal is of an acceptable form that would not cause harm to the visual amenity of the surrounding area. The proposals impact upon neighbouring amenity, protected trees and highway safety would also be acceptable and as such the proposal complies with the relevant local and regional planning policies. The application is therefore recommended for approval accordingly.

RECOMMENDATION: Approve subject to the following conditions:

1. Standard outline.
2. Compliance with the approved plans.
3. A watching brief for any adverse ground conditions (contamination), to be employed in accordance with the recommendations in the report by LK Consult Ltd.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of construction method statement.
6. Submission of landscaping scheme including replacement tree planting.
7. Implementation of landscaping scheme
8. Submission and implementation of boundary treatment scheme.
9. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
10. Submission of details of the method, timing and duration of any pile driving operations.
11. Protection measures for breeding birds.



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Application No: 12/0714C

Location: LITTLE MOSS FARM, PRIORY CLOSE, CONGLETON, CW12 3JL

Proposal: 18m high joint operator monopole type telecommunication tower incorporating 4No. 3G antennas and their associated head frame along with 2No. 600mm transmission dish (standard grey in colour), 1No. equipment cabinet (Vulcan type, 1898 x 798 x 1648mm, RAL 6009 – Fir Green), 1No. meter cabinet (655 x 255 x 1015mm, RAL 6009 – Fir Green), All ancillary development (foundations, fencing; fixtures, fittings, cabling, etc)

Applicant: Telefonica UK Limited

Expiry Date: 11-Apr-2012

SUMMARY RECOMMENDATION: Approve with Conditions**MAIN ISSUES**

- Principle of development
- The design, siting and external appearance
- Impact on the Green Belt
- Detailed exploration of alternative sites
- Health & Safety considerations
- Other Matters

REFERRAL

This type of application is usually dealt with under delegated powers however this application has been referred to the Southern Planning Committee due to the previous application on the site (reference number 11/4466C) being called into Committee and refused by Members.

DESCRIPTION OF SITE AND CONTEXT

The proposal site is to the rear of the property known as Little Moss Farm, Priory Close, Congleton. The site is situated within the Green Belt, on the edge of Congleton settlement boundary. The proposal site has permission for storage of caravans and the hard surfacing to the rear of the site is primarily used for storage purposes. There are several buildings on the site and tree coverage to the rear of the site.

This application has been submitted to address the reason for refusal on the previous application 11/4466C.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the installation of a joint operator, (O2 and Vodafone) 18m High Monopole Telecommunications tower which incorporates 4no. 3G antennas, associated head frame and 2no. 600mm transmission dishes; 1no equipment cabinet, 1no. meter cabinet and ancillary development. The monopole mast will have a height of 15m, and a 3m antenna head. It is proposed to have a 2.1m palisade fence surrounding mast.

RELEVANT PLANNING HISTORY

11/4466C - Installation of 21m High Monopole Telecommunication Tower Incorporating 6No. 3G Antennas and Associated Headframe. 1No. Equipment Cabinet, 1No. Meter Cabinet and all Ancillary Development – Refused 31st January 2012

'The proposed development by reason of its height and prominent location on the edge of the Green Belt would result in a visually incongruous addition which would be harmful to the character and appearance of the area. The proposed development is therefore contrary to Policies E19: Telecommunications and GR2: Design of the Congleton Borough Local Plan First Review 2005.'

The proposal site is put forward as an alternative site to the refused application below.

11/0750C – 15m High Joint Operator Street type telecommunications Tower, 1no equipment cabinet, 1no meter cabinet and all ancillary development; Land adjacent to Biddulph Road and Boundary Lane Junction, Congleton – Refused 12th April 2011

- 1. The proposed development by reasoning of its height in this prominent location within a largely residential area would represent a visually incongruous insertion that would adversely affect the visual amenity of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan First Review 2005 and PPG 8 (Telecommunications).*
- 2. The Local Planning Authority considers that there is a lack of evidence to clearly demonstrate that alternative sites have been fully explored. The proposal therefore falls short of the requirements set out in Policy E19 of the Congleton Borough Local Plan First Review 2005 and PPG 8 (Telecommunications).*

POLICIES

Local Plan policy

The relevant policies from the Congleton Borough Local Plan First Review 2005 are;

PS7: Green Belt

GR2: Design

GR6: Amenity

E19: Telecommunications

SPG9: Telecommunications.

Other Material Considerations

National Planning Policy Framework (NPPF)
Code of Best Practice on Mobile Phone Network Development (ODPM 2002)

CONSIDERATIONS (External to Planning)

Environmental Health: No observations based on the following information;

This department believes that it is the role of national agencies such as the Independent Expert Group on Mobile Phones (IEGMP) and the Health Protection Agency (HPA) that incorporates National Radiation Protection Board (NRPB) to assess the pro's and con's of relevant research and provide, to central government, an expert balanced view relating to the legislative framework of the UK as a whole.

We then at a local level take our lead from guidance provided, typically regarding this topic, :- PPG 8 (Telecommunications) which states that local planning authorities should not implement their own precautionary policies with respect to these installations. Determining what measures are necessary for protecting public health rests with the Government. “

Given the above and providing the applicant can demonstrate that the installation meets the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure limits, there would be no health grounds for refusing the application.

Further comments in response to noise disturbance; [received 02.04.12]

Regarding concerns “on the grounds that other masts make a droning noise in the wind”.

Environmental Health note that in general, phone masts seem to operate without any significant noise. In the past the department have had complaints about humming noises from fans in the equipment cabinets and in 2009 a complaint was received concerning wind noise through a fixed structure (mast fixed to a water tower) – this was resolved informally - the noise was not substantiated by Officers.

The proposed structure as detailed (in Proposed SW Elevation plan) is a single monopole tower. It is not an open lattice structure, but a solid pole / tower – therefore, unlikely to give rise to a droning noise.

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council: Object on the grounds that the applications is in the green belt and is inappropriate in size, style and location – PPG8 Telecommunications refers.

OTHER REPRESENTATIONS

Letters of objection have been received from 119 households, the Governing Body and Staff of Mossley School, and Fiona Bruce MP. The main issues raised are as follows,

- A reduction of 3m in height will have no significant impact on the reasons for the previous refusal,
- Views over the countryside/green belt will be ruined by proposal,
- Proximity to residential properties, and primary school,
- Radiation impact on neighbours, school children and elderly people,

- Effects of radiation from masts have not yet been properly researched,
- A 18m mast will still totally dominate the area,
- The mast will be an eyesore/visually obtrusive
- Will have a negative impact on property values in the area,
- Mobile phone reception in the area is good,
- The local population do not want a mast in Mossley
- Emissions from the mast would be harmful to bats, and other wildlife,
- Occupiers of Priory Close have in the past been forced by the LPA to take down fences which were erected on greenbelt land and asked to remove vegetable plots. A 18m high mast surely will have more impact than a 6ft fence,
- Perceived health risk cause anxiety and stress, and is planning consideration,
- Local School has funding for outside class room which will become redundant,
- Mast will deter parents from sending children to this primary school,
- Supporting literature states that the mast will be masked by trees however also notes that the need for 18m mast is to avoid the surrounding clutter – therefore contradicting itself,
- Within an Area of Significant Local Environmental Value (ASLEV)
- The proposed mast will be twice the height of the existing residential development,
- Previous applications have been refused by the Council for shorter poles which do not have the addition of antennas, (including a 15m mast adjacent Biddulph Road and Boundary Lane)
- Masts are responsible for disturbed sleeping patterns, which affect daily activities,
- It would increase unwanted maintenance traffic in an already heavily congested road that has had to have sleeping policeman installed to cut down this nuisance already.
- The mast will be visible from the Gritstone Trail, Mow Cop and Staffordshire Way,
- Cheshire East's SPG 9 states that the installation of telecommunications equipment should seek to ensure the optimum siting and to ensure the minimum visual impact especially in sensitive areas,
- If mast is 'not so close to Mossley School to pose a danger' what is an unsafe distance from a mast?
- The town council only accepted the previous application on the condition the mast would be camouflaged. This would not be possible.
- Site visit should be carried out by the Planning Committee for the local residents to discuss their concerns,
- The mast along with its appendages on top will reverberate in the wind creating a moaning, whining noise,
- If the mast had to be 21m in the last application why will it now be acceptable at 18m?
- The applicant may request to enlarge the height of the mast in the future, questions raised if the local population will be consulted on such a development,
- It was once thought that asbestos and tobacco was safe,
- WFS Telecoms stated that the dishes are required when fibre optic cables are not available, however BT have confirmed that there are fibre optic cables in the area,
- No real consultation by the developer has been had with the local residents,
- The farm will be unsellable if approved and constructed,
- A very similar mast has been erected at the garden centre on Boarded Barn Farm land, Newcastle Road, in windy conditions the mast emits a droning noise
- Contaminated land report should be carried out due to existing farm land use
- The original application only increased coverage slightly the reduction in height will mean the coverage improvements are negligible
- Placing this mast so close to the school is in direct contradiction to the findings of the Stewart report. This was produced by The Independent Expert Group on Mobile Phones

and in paragraph 6.64 states that because of the way in which emissions are beamed, a base station located near to a school may cause higher exposure to pupils than if it were placed on the roof of the school building. In conclusion it states in paragraph 6.68 that, we recommend, in relation to base stations sited within school grounds that the beam of greatest intensity should not fall on any part of the school grounds or buildings without agreement from the school and parents and that similar consideration should apply to base stations sited near to school grounds.

- Contrary to the new NPPF

APPLICANT'S SUPPORTING INFORMATION

- Design and Access and Supporting Statement
- ICNIRP Declaration
- Site Specific Supplementary Information
- General Background Information for Telecommunications Development document
- Health Summary (EMF Advisory Unit)
- How it works (EMF Advisory Unit -Fact Sheet)
- Third Generation – 3G document
- Discounted Site and Search Area Information
- Coverage Plots
- Dish Antennas (EMF Advisory Unit)

OFFICER APPRAISAL

Principle of Development

In principle telecommunication development is considered acceptable provided that it accords with the guidance set out in the National Planning Policy Framework and any relevant Development Plan policy for the area. In this instance Local Plan policies GR2: Design, and E19: Telecommunications are most relevant for the proposed development.

NPPF states that Government policy for,,

'Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local communities and services' (para 42). 'local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband' (para 43)

The Policy then goes on further to state,

'Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. (para 46)'

Local Plan Policy E19: Telecommunications largely reflects the advice given by Central Government in the recently superseded PPG8, and the now National Planning Policy Framework, however it has a stronger emphasis on only permitting development which does not adversely impact on neighbouring amenity, that which should not have an unacceptable impact upon important areas or features of landscape or architectural and

historic value and preference should be given to proposals which avoid the need to erect large new masts by using existing buildings and structures or sharing existing facilities.

Essentially, National Government Guidance is that Local Planning Authorities should aim to encourage telecommunications systems where possible but should have regard for other planning policy which might outweigh the need for the service on that particular site.

The proposal site is situated within the Green Belt, where in principle there is a presumption against inappropriate development, this is stated both within the NPPF and Local Plan Policy PS7 (Green Belt). The proposal does not fall within the definition of appropriate development within Policy PS7 (Green Belt). However, the NPPF states that inappropriate development, by definition, is that which is harmful to the Green Belt. In very special circumstances inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this instance the applicant has noted that the area requires an upgraded mast for 3G coverage in the area, and this mast is one of several coverage plots in the area. The coverage plot shown for existing and proposed coverage for both Vodafone and O2 shows a substantial increase due to the mast insertion. It is therefore considered that in this instance the applicant has submitted both coverage information, and alternative site considerations which show that there is a requirement for improved 3G coverage in the area, and this is considered a special circumstance for development within the Green Belt it is therefore considered that the principle of development is considered acceptable.

The Design, Siting and External appearance

The NPPF states that, *'(LPA's) should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate'* (para 43)

Furthermore, the Council's adopted Supplementary Planning Guidance Note 9 (July 2004) states that where it is not possible to use an existing mast or structure, any proposed new installation should be designed and sited so as to minimise the visual impact on the environment.

The previous application on this site was refused on the grounds that the proposed development would be of an unacceptable height and in a prominent location on the edge of the Green Belt, and this would result in a visually incongruous addition which would be harmful to the character and appearance of the area.

The resubmitted scheme is for a mast with an overall height of 18m, 15m to the top of the monopole tower, with a further 3m to the top of the head frame and antennas. This mast will therefore be 3m shorter than the previously refused mast.

The surrounding area to the north of the site is largely residential properties, with Mossley Church of England Primary School to the northwest. To the south of the site is the area designated as Green Belt and is largely compromised by open fields, with pockets of tree coverage and hedges.

The proposed mast is to be of a standard grey colour. However it is considered that if the application is approved a condition requiring materials to be submitted should be attached as a green or brown coloured mast would sit more appropriately in this edge of settlement position.

It is acknowledged that the proposed mast is still fairly substantial in height at 18m, and it will be approximately 2 times higher than adjacent dwellings, and 2.3m taller than the adjacent tree coverage. However this is due to the operational requirement to reach the residential area further into the site, requiring a mast which exceeds the height of the adjacent trees. As noted in the coverage plot submitted with the application, this lower height will still allow for sufficient improvement to the 3G network within the Designated Search Area as denoted by the company. Given the evidence submitted with regards to alternative sites it is accepted that, as this site would be further away from residential properties, it is required for the mast to be fairly high to enable it to reach all elements of the designated search area.

The applicant has attempted to address the reason for refusal for the previous application by reducing the height by 3m. Whilst the proposed mast and associated development will still have some impact on the visual views of the area, the openness of the Green Belt will still be retained due to the relatively slim nature of the monopole mast, and with some camouflaged colouring to the external treatment of the mast it is considered that the proposed mast will not have such a significantly detrimental impact on the surrounding area to warrant refusing the application again.

As noted within the applicants supporting information the ancillary equipment and fencing will be limited in its impact, and will be of a fir green colour. Most of these works can be constructed under permitted development rights and therefore it is considered that the ancillary equipment is acceptable.

Alternative sites

The Council's adopted Supplementary Planning Guidance Note 9 (July 2004) requires that to minimise visual impact, it will be preferable normally to site a new antenna onto an existing mast, building or other structure before considering a new mast. Operators will therefore be expected to provide evidence that they have explored all reasonable possibilities for siting the proposed equipment on an existing mast or structure.

Given the Government guidance which aims to facilitate new telecommunications development, consideration needs to be given into whether all suitable alternative locations have been explored.

As part of this application the applicant's agent has identified 15 alternative sites which have previously been discounted as unacceptable which lie either within or just outside the Designated Search Area (DAS). The following is a brief summary of each site,

1. H.J Lea Oakes Ltd, Biddulph Road

- Too close to existing Vodafone site on large industrial building roof top to rear of Railway Inn, Park Lane.
- Being considered for an adjoining cell
- Discounted on operational merit

2. Any Development west of Henshall Hall Drive

- Too close to existing Vodafone site as above.
 - Discounted on operational merit
3. Congleton Golf Club, Biddulph Road
- Occupies significant position within DSA, although there are several mature trees which may pose coverage issues, the Club have withdrawn from further negotiations on the site.
 - Therefore discounted as land is not available for development.
4. Mossley Church of England Primary School, Boundary Lane
- Large educational property which could accommodate a mast,
 - Development on schools tend to progress as a last resort, due to community opposition which can result in disruption to the property,
 - This site could be looked into further if requested by LPA.
5. Mossley Village Hall, Corner of Bida Lane, Leek Road
- Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
6. Mossley Old School Community Centre, Leek Road
- Potential site for mast as centrally located within DSA,
 - Mature trees would place serious limitation on coverage
 - Discounted on operational merits
7. Holy Trinity Church, Biddulph Road
- Discounted as not available for use
8. Street Furniture development along Leek Road
- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited coverage potential
 - Discounted on operational merits
9. Street Furniture development along Biddulph Road (N)/ Bida Lane/Henshall Hall Drive/Brierly Road/Blackshaw Close
- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
10. Street Furniture development within Woburn Drive/Marshall Grove/Ryedale Drive
- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Limited Coverage potential
 - Discounted on operational merits
11. Street Furniture development along Biddulph Road (between Leek Road and Boundary Lane junction)
- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,

- Limited Coverage potential
 - Discounted on operational merits
12. Street Furniture development along Boundary Lane and associated residential area
- Limited pavement widths, and both underground services and overhanging trees creating serious limitations on street furniture proposal,
 - Located directly outside of residential properties
 - Discounted as less appropriate on planning merits
13. Castle Inn Pub, Castle Inn Road
- Significant distance outside the DSA
 - Area in lower topography than most of coverage area and mature trees
 - Discounted on operational merit
14. Land at Mossleyvale Farm, Wards Lane
- Significant distance outside the DSA
 - Area in lower topography than most of coverage area and mature trees
 - Discounted on operational merit
15. Boundary Lane/Biddulph Road Junction
- Previously refused site for 15m mast (11/0750C)

Most of the sites proposed have been discounted due to their positions within residential areas where there is little room for street furniture within the public highway, and on operation merit, furthermore two sites have been discounted as they would involve development directly in front of residential properties and within the school boundaries. The Council agrees that these sites would not be suitable for a development such as that proposed.

It is noted that one of the reasons for refusal of the nearby 11/0750C application was lack of detailed consideration of alternative sites. The applicant has considered many options both within the search area and outside, and it is clear that substantial consideration of alternant sites has been carried out and therefore in this instance the information submitted is considered acceptable.

Health and Safety

In 1999, the Independent Expert Group on Mobile Phones (IEGMP) was set up to look at the potential health risks from mobile phone technology. The chairman was Sir William Stewart and the group reported back in May 2000 with what is now commonly referred to as the 'Stewart Report'. The report concluded that "The balance of evidence to date suggests that exposures to RF radiation below NRPB and ICNRP guidelines do not cause adverse health risk to the general population, and that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines'. The findings of the 'Stewart Report' were not conclusive but did advocate the 'precautionary principle' being adopted in the consideration of applications.

There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval. The precautionary approach advocated by the Stewart Report and also the All Party Parliamentary Group on Mobile Phones Report (2004) is

seen as the adoption of ICNIRP standards for exposure levels and also greater levels of consultation. It is acknowledged that this approach can reduce the risk perception of this type of development.

Furthermore, the most recent guidance from the Government regarding mobile phone technology and health issues is outlined in the NPPF that '*Local planning authorities must determine applications on planning grounds.*' The paragraph then goes on to say, '*(LPA's) should not.... Determine (applications on) health safeguards if the proposal meets International Commission guidelines for public exposure*' (para.46). It remains central government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed development meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

It is noted that a significant number of objections have been submitted in relation to the perceived health risk to nearby residents and the local Primary School however, given that the proposed installation clearly complies with the ICNIRP guidelines for public exposure it is considered that a reason for refusal on the grounds of perceived health risk alone would be extremely difficult to sustain at an appeal.

Highways

Although no highways comments have been received on this application the Highways Authority raised no objections to the previous proposal given that the site is situated within a private area of land it is therefore unlikely that the amended proposal would have an adverse impact on highway safety either.

Other Matters Raised

Proximity to the Local School

The majority of the objections received raise particular issue with the proximity of the mast to Mossley Church of England Primary School. The proposed mast will be sited 160m away from the school, there are no distance requirements for masts to be sited a certain distance from schools or residential properties. The mast meets the ICNIRP guidelines and the application site has been chosen from several others as the most suitable in operational and suitability terms. The siting of this mast is removed from the large population of the designated search area and is therefore considered to be suitable in this instance.

Property Values

Within the letters of objections received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a reason for refusal for this planning application.

Land Designation

Within several of the objections received it is stated that the proposal site is situated within the Area of Significant Local Environmental Value (ASLEV), this is incorrect and the only designation the site has within the current Congleton Local Plan is Green Belt.

Ecology

Within the letters received the impact of the proposal on bats and natural wildlife has been raised. The Councils ecologist has been consulted on this matter and does not anticipate there being any significant ecological issues associated with the proposed development.

Noise

Within several of the objections received the issue that the proposed mast will create a droning noise in the wind has been raised. The Councils Environmental Health department have been consulted on this matter and have noted they do not perceive that the proposed mast would cause any significant noise in the wind.

Contaminated Land

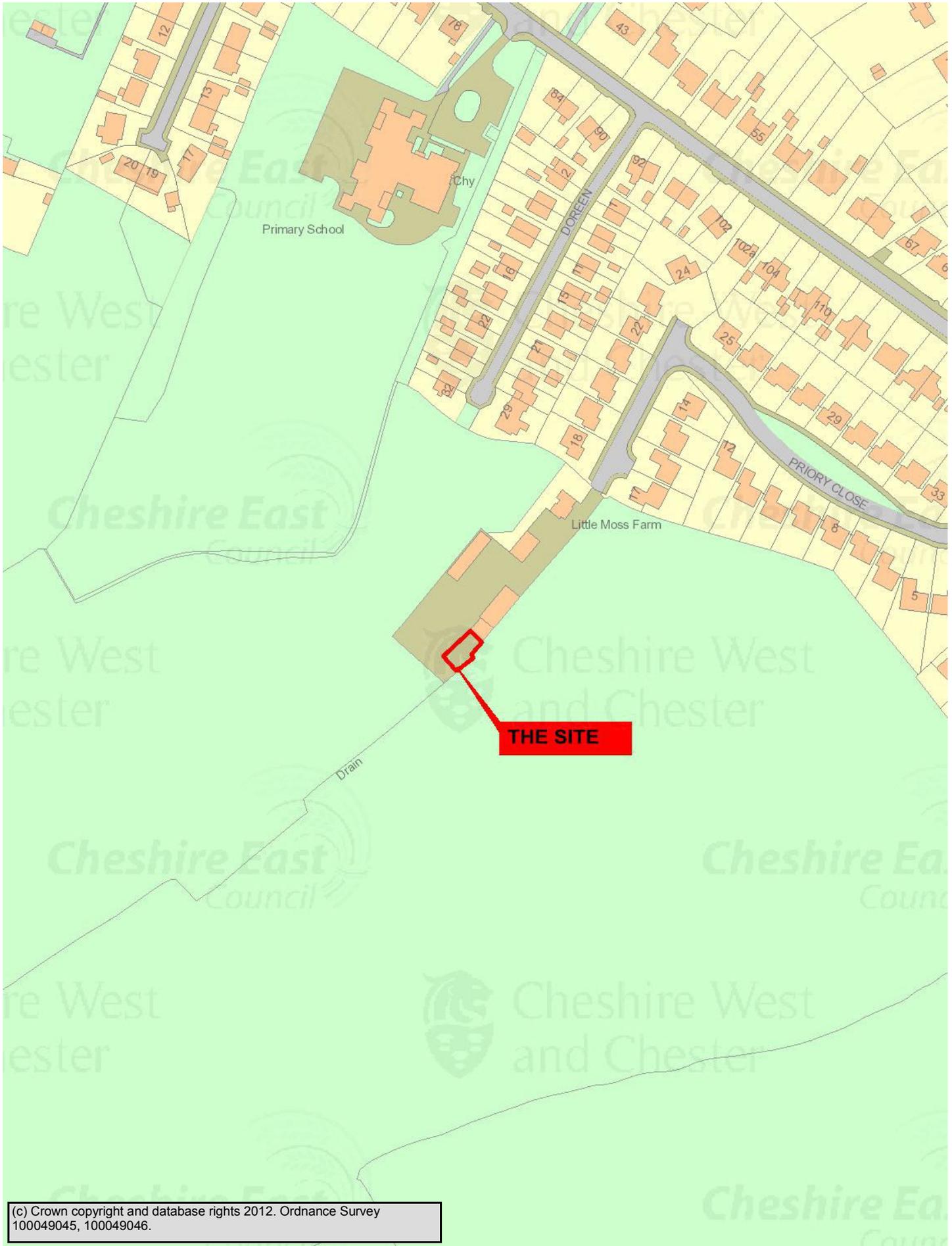
Within one of the objections it has been raised that the applicant has not carried out a contaminated land survey even though the land is on an agricultural farm. Such a report/analysis would only usually be required on a site when the proposed end use of the site would be for something with a more sensitive end use, such as residential. The proposed development would not have a user sensitive end use and therefore does not require a contaminated land survey to be carried out.

CONCLUSIONS

It is considered that the proposed 18m high monopole style mast with 4no antennas, 2 satellite dishes and associated head frame, addresses the recent reason for refusal. It is considered that the reduced height of the mast will not have a significantly detrimental impact on the surrounding Green Belt area, and is necessary for the proposed use in the area. It is considered that substantial consideration has been given to alternative sites in the area, and the proposal will not have a detrimental impact on highway safety or health and safety of the neighbouring population. It is therefore considered that the proposed mast is acceptable and in accordance with Local and National plan policy.

RECOMMENDATIONS – Approve with conditions

1. **Standard Time**
2. **Materials to be submitted and approved in writing**
3. **Approved plans**



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Application No: 12/0804C

Location: SILVER BIRCHES, CROXTON LANE, MIDDLEWICH, CHESHIRE, CW10 9EZ

Proposal: Extension to Time Limit of Outline Application 08/1800/OUT for proposed demolition of an existing dwelling and former nursery buildings and the erection of up to 12 no. residential units with means of access

Applicant: Mr & Mrs Hough

Expiry Date: 28-May-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a Deed of Variation to a Section 106 Agreement

Main issues:

- The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The site covers an area of approximately 0.37 hectares and comprises of a detached bungalow on the southwestern side of Croxton Lane within the Middlewich Settlement Zone Line. The site extends back across the rear of N.23 to No.33 Chestnut Close and comprises of lawned areas of domestic garden, ponds, rockeries and various structures including greenhouses, sheds and lean-to structures associated with the horticultural nursery.

DETAILS OF PROPOSAL

An application for an extension to time has been submitted in relation to the approved planning consent number 08/1800/OUT. This outline planning consent was for the erection of 12 residential units including means of access.

RELEVANT HISTORY

08/1800/OUT - Proposed demolition of an existing dwelling and former nursery buildings and the erection of up to 12 no. residential units with means of access – Approved 31st March 2009

25827/3 – Change of use to retail sales of plants, shrubs, conifers, seeds and general garden needs – Approved 25th January 1994

26106/3 – Glass house – horticulture – Approved 19th April 1994

11047/1 – Residential development – Refused 29th April 1980

5136/2 – Erection of horticultural workers single storey dwelling – Approved 31st May 1977

4408/3 – Temporary caravan – Approved 16th November 1976

2834/1 – Horticultural workers dwelling – Approved 17th August 1976

5136/2 – Erection of horticultural workers single storey dwelling – Approved 31st May 1977

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS4 - Towns

GR1 - General Criteria from Development

GR2 - Design

GR6 & GR7 - Amenity & Health

GR9 - Accessibility and Parking Provision

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

CONSULTATIONS (External to Planning)

Highways – No objections

Environmental Health – No objections, subject to an hours of construction and hours of piling condition and a Phase II land contamination condition.

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council – No comments received at time of report

OTHER REPRESENTATIONS:

26 Chestnut Close – Has concerns regarding increased traffic congestion

APPLICANT'S SUPPORTING INFORMATION:

Land Contamination Report (2008 original)
The Coal Authority and Brine Report (2008 original)
Ecological Assessment (2011)
Bat Survey Report (2008 original)
Amphibian Survey Report (2008 original)
Reptile Survey Report (2008 original)
Planning Statement (2008 original)
Outdoor and dust assessment (2008 original)
Noise assessment (2008 original)
Design and Access Statement (2008 original)
Copy of S106 Agreement (Dated 2009)
Copy of original application, decision notice and associated information

OFFICER APPRAISAL

Scope of this application

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

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

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

Material changes in policy since previous application

The original application was determined under the Congleton Borough Local Plan First Review 2005 which is still the prevailing Development Plan for the area. Since the original application was determined the National Planning Policy Framework (NPPF) has been published (March 2012). Paragraph 17 states that one of its core

principles is that planning should *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

In addition, paragraph 47 states that local authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

It is considered that this proposal would meet this overarching objective for new housing within the framework.

Paragraph 53 of the NPPF advises that *‘Local Planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.’*

In this instance, because the council does not have such policies in place, such a consideration cannot be made in this instance. Furthermore, the proposal’s inappropriateness has already been discounted during the original assessment.

Material changes in circumstance since previous application

Since the approval of the original outline planning permission in 2009, a planning history search shows that no neighbouring developments have been applied for. As such, it is considered that the neighbouring circumstances with regards to the built form have not changed since the original permission.

The applicant has submitted an updated Ecological Survey with this application and the Council’s Nature Conservation Officer is satisfied that the development would not have a detrimental impact upon ecology subject to conditions.

S106 Agreement

In March 2009 a S106 agreement was signed as part of this application for financial contributions towards off-site Childrens and Young Persons Provision and off-site Amenity Green Space Provision. As part of this application a variation to this agreement is required to amend it with regards to the new dates of the permission.

Other Matters

The applicant has specifically requested that should this permission be approved, it should last for a period of 5 years instead of the standard 3 years. The justification for

this is that following the original permission the applicants *'sought to dispose of the land and even instructed agents to handle this process; however this has failed to generate any acceptable offers due to the downturn in the economy (sic. Property development market) having taken hold over the preceding period.'* It is subsequently advised that a 5 year limit would allow time for values to recover and *'enable implementation of the permission.'*

The Local Planning Authority has the discretion to impose different time limits if there are good planning reasons for doing so. It is considered that in this instance, such a request should not be accepted. This is for 2 reasons. Firstly, in approximately 12 months time the Local Planning Authority will have a new Local Plan, a significant material change in planning policy. Secondly, it is the Council's interest that the houses are built sooner rather than later in order to satisfy the Council's shortfall in housing within the borough.

CONCLUSIONS

It is considered that there has not been any significant, material changes since application 08/1514/OUT was permitted that would result in a different determination to that of the original. Therefore, subject to the completion of a variation to the S106 Agreement, it is considered that the proposal adheres with Policies PS4 (Towns), GR1 (General Criteria from Development), GR2 (Design), GR6 & GR7 (Amenity & Health), GR9 (Accessibility and Parking Provision), H1 & H2 – (Provision of New Housing Development) and H4 (Residential Development in Towns) of the adopted Congleton Borough Local Plan First Review 2005.

RECOMMENDATIONS

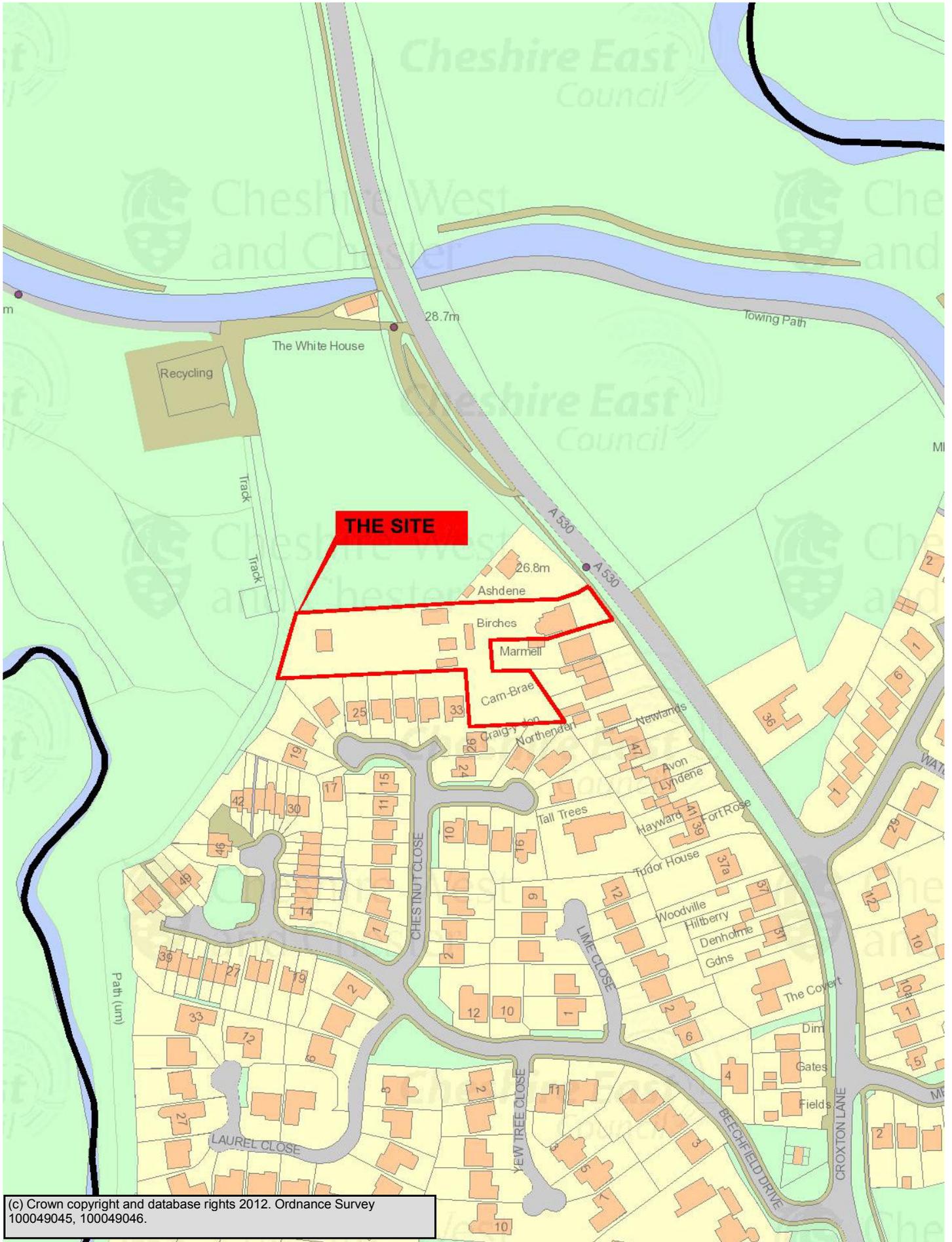
APPROVE subject to the following conditions;

1. Standard outline (time)
2. Submission of reserved matters
3. Phase II Land contamination
4. Hours of construction
5. Hours of piling
6. No burning of materials on site
7. Tree and shrubbery retention
8. No excavations for services within fenced off area
9. Protected species
10. Nesting birds
11. Incorporation of features for breeding birds.
12. Incorporation of wildlife pond

Informative

1. S.278 Agreement with Cheshire County Council to mitigate Part 1 claims and secure junction design detail.
2. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy

Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 18th April 2012
Report of: Head of Development
Title: Report in Relation to Section 106 Agreement for Planning Application 11/2999C for Variation of conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL at Land South of Portland Drive, Scholar Green, Stoke-On-Trent

1.0 Purpose of Report

1.1 To seek a resolution to amend the terms of the S106 Agreement Variation of conditions 2, 3, 5, 10, 10 and 11 of Planning Permission 08/0712/FUL relating to the erection of a new health care centre and residential development comprising of 56 residential units with a dedicated access off Portland Drive, which was the subject of planning application 08/0712/FUL considered by the former Congleton Borough Council.

2.0 Decision Required

2.1 Members need to agree to amend the terms of the S106 Legal Agreement so that the pedestrian crossing required by the development is delivered by way of a commuted sum of £70,000 (plus £10,000 for future maintenance), rather than under section 278 of the Highways Act 1980, as previously proposed.

3.0 Background and Report

3.1 The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal.

3.1 More recently, Members will recall that they agreed to vary condition numbers 2, 3, 5, 10 & 11 and the terms of the section 106 legal agreement so that work can proceed on commencing development on the residential element of the approved scheme before commencing the approved health care centre (planning ref: 11/299C).

3.2 Whilst drafting the revised s106 legal agreement, it has come to light that there is a flaw in the original clause relating to the delivery of the pedestrian crossing. It is proposed that the Council's Highways Department will deliver the pedestrian crossing, but this is hindered by the current terms. To enable the Council to provide the pedestrian crossing rather than the developer, a

commuted sum of £70,000 (plus £10,000 for future maintenance) will need to be secured. The developer Ben Bailey Homes have agreed to these terms.

3.2 Additionally, the original agreement specified the provision of a Pelican crossing. These are no longer provided and as such the terms should specify a Puffin crossing instead.

4.0 Recommendation

4.2 That Members resolve to agree to vary the s106 legal agreement to secure an additional commuted sum of £80,000 towards the delivery and future maintenance of the pedestrian crossing required by the development.