

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 8th August, 2012  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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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 disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 18 July 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](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) 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. **12/2230N The Former Old Creamery, Station Road, Wrenbury CW5 8EX: 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 - 8.5M x 2.5M, Provision of 12M x 6M Framed Batching Shed for Mr Graham Heath, Concrete Panel Systems Ltd (Pages 7 - 28)**

To consider the above planning application.

6. **11/2394C Paces Garage and Fairfields, Newcastle Road, Arclid, Cheshire CW11 2UE: Redevelopment of Industrial/Commercial Premises and Two Detached Garages and Erection of 18 Dwellings (13 Market/5 Affordable), Provision of Public Open Space and Formation of Replacement Access for The Dwelling Fairfield for Rowland Homes Ltd and Messrs Pace (Pages 29 - 70)**

To consider the above planning application.

7. **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 (Pages 71 - 88)**

To consider the above planning application.

8. **12/1175N Reaseheath College, Main Road, Nantwich, Cheshire CW5 6DF: Proposed 3 Storey 150 Bed Residential Student Accommodation Building for Mr Mark Embrey (Pages 89 - 102)**

To consider the above planning application.

9. **12/1346N Magpie House, 57, Earle Street, Crewe CW1 2AS: Change of Use from A2 Office and Subdivision to Form 18 Bed-Sitting Rooms for Mr K Vickers, Crimewatch Securities (Pages 103 - 110)**

To consider the above planning application.

10. **12/1836N Higher Elms Farm, Cross Lane, Minshull Vernon CW1 4RG: Proposed Farm Complex Consisting of Steel Portal-Framed Buildings for Housing and Milking of Livestock, Earth Banked Slurry Store and Earth Banned Silage Clamp for Mr Charlesworth** (Pages 111 - 120)

To consider the above planning application.

11. **12/1862N Stewart Street Motors, Stewart Street, Crewe CW2 7RW: Removal of Existing Second Hand Car Sales Site, Building and the Erection of 7no. One Bedroomed and 7no. Two Bedroomed Flats in a Three Storey Block for Stewart Street Motors** (Pages 121 - 130)

To consider the above planning application.

12. **12/1869N Land Adjoining School Lane, Bunbury CW6 9NR: Outline Application for One Two Storey Detached Dwelling With Detached Garage for Mr Potton** (Pages 131 - 138)

To consider the above planning application.

13. **12/2038N Santune House, Rope Lane, Shavington CW2 5DT: Demolition of former nursing home and erection of 7 terraced dwellings, 4 residential apartments and 1 detached dwelling with access and parking for Santune House Developments** (Pages 139 - 150)

To consider the above planning application.

14. **12/2095C Betchton Cottage Farm, Cappers Lane, Betchton CW11 2TW: Extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers for Mr Tom Gardiner, William Beech skip Hire** (Pages 151 - 158)

To consider the above planning application.

15. **12/2327N The Old Smithy, Salesbrook Lane, Aston CW5 8DR: Outline Application for Taking Down of Existing Workplace Buildings and for New Small Dwelling House and Contiguous Workshop / Business Premises for Mr Glynn Davies** (Pages 159 - 164)

To consider the above planning application.

16. **12/2406N Monks Hall Farm, Mill Lane, Hankelow CW3 0JD: Proposed Slurry Lagoon to comply with Environment Agency requirements for storage of slurry in a Nitrate Vulnerable Zone for Mr Angus Maughan** (Pages 165 - 170)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 18th July, 2012 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors J Clowes, P Groves, A Kolker, D Marren, M A Martin, D Newton  
and A Thwaite

**OFFICERS PRESENT**

Daniel Evans	Principal Planning Officer
Rachel Goddard	Senior Lawyer
Neil Jones	Principal Development Officer, Highways
Diane Moulson	Democratic Services Officer

**APOLOGIES**

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, W S Davies  
and S McGrory

**29 DECLARATIONS OF INTEREST**

Councillor Kolker declared a personal interest in application number 12/1798C on the grounds that he was acquainted with one of the objectors.

The Democratic Services Officer and Senior Solicitor both declared a personal interest in application number 12/1798C on the grounds that the principal objector Mr Cross, was a former Crewe and Nantwich Borough Council colleague with whom they had worked in the past.

Councillor Marren declared a personal interest in application number 12/1798C on the grounds that the principal objector Mr Cross, was a former Crewe and Nantwich Borough Council colleague with whom he had worked in the past.

Councillor Merry declared that she had been contacted by parents of pupils at Wheelock County Primary School, Sandbach (subject of application number 12/2172C), who were seeking assistance to expedite a decision on the matter. Cllr Merry stated that, in her response, she had made it clear that due process would be followed and had not agreed to the request nor offered an opinion on the merits of the application.

30 **MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the Minutes of the meeting held on 27 June 2012 be approved as a correct record and signed by the Chairman.

31 **12/0151C LEISURE SALES, HOLMES CHAPEL ROAD, BRERETON CW11 1SD: TOURING CARAVAN SITE WITH 42 PITCHES, WARDENS PITCH AND SINGLE STOREY BUILDING COMPRISING RECEPTION, OFFICE, TOILETS, LAUNDRY AND WASHING-UP AREA FOR LEISURE SALES**

Councillor Wray, as Ward Member for Brereton, had submitted a request to speak after the deadline had expired. Having put the matter to the Members, it was –

**AGREED:** That Councillor Wray be permitted to address the Committee.

Councillor Wray (Ward Councillor), Councillor M Boczek (Brereton Parish Council), Mr G Spilsbury (objector) and Mr R W Oxley (applicant's agent) who attended the meeting, then addressed the Committee on this matter.

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

Partway through the debate, a supporter of the application stood up and addressed the Committee. He stated that he had given notice to speak within the required deadlines and had received an acknowledgement of that fact but had not been called forward by the Chairman. Having put the matter to the Members, it was –

**AGREED:** That Mr D Brown (Supporter) be permitted to address the Committee.

Mr Brown spoke in accordance with public speaking rights and following his address, the Committee continued its debate.

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

- 1 Standard time limit
- 2 Compliance with the approved plans
- 3 Submission, approval and implementation of details of external lighting. External lighting hours to be 8.00am – 10.00pm unless otherwise agreed
- 4 Submission and implementation of a tree protection scheme
- 5 Submission and implementation of construction method statement for hard surfacing showing no dig surfacing

- 6 Submission of landscaping scheme including replacement tree planting
- 7 Implementation of landscaping scheme
- 8 Materials to be as stated in the application
- 9 Excluding the Warden caravan, occupancy of the pitches to be restricted to recreational use (maximum stay 21 days) and not to be used as the sole residence of any occupier
- 10 Notwithstanding the details shown on plan number 571 Revision A, a revised siting for late arrivals parking area shall be submitted for approval
- 11 One warden caravan only as identified on the approved plan
- 12 Touring caravans only with a maximum stay of 21 days, no caravans to be permanently located on the site
- 13 Details of drainage (including septic tank) to be submitted and agreed in writing with the Local Planning Authority
- 14 Wheel washing details to be submitted and approved in writing with the Local Planning Authority
- 15 No speaker systems within the site
- 16 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority

**32 12/1798C 21, SHEARBROOK LANE, GOOSTREY CW4 8PR: FIRST FLOOR EXTENSION TO EXISTING PROPERTY AND TWO STOREY SIDE EXTENSION FOR MR J CARTWRIGHT**

**Note:** Mr P Cross (objector) attended the meeting and addressed the Committee on this matter.

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

**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 height, design and position would have an overbearing impact and cause loss of light to the occupants of 19 Shearbrook Lane which would be harmful to the residential amenities of this property. As a result, the proposed development would be contrary to Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005.

**33 12/2169N PEBBLE BROOK PRIMARY SCHOOL, BALMORAL AVENUE, CREWE CW2 6PL: 1 NO. MODULAR CLASSROOM UNIT WITH ASSOCIATED STORER ROOM & WC'S & CLOAKS TO PROVIDE ADDITIONAL TEACHING ACCOMMODATION FOR CHESHIRE EAST COUNCIL**

**Note:** Prior to consideration of this application, the meeting was adjourned for five minutes due to a power failure.

Councillor Newton and Councillor Groves rejoined the meeting after commencement of the item and took no part in the debate which followed or voted on the application.

Prior to speaking, Councillor D Flude (supporter) declared a personal interest in the item as Chair of Governors of Pebble Brook Primary School before addressing 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 Development in accordance with approved plans
- 2 Materials as application
- 3 Temporary period of 2 years
- 4 Restoration of playing field

**34 12/2172C WHELOCK COUNTY PRIMARY SCHOOL, CREWE ROAD, SANDBACH, CHESHIRE CW11 3RT: 1 MODULAR CLASSROOM UNIT WITH ASSOCIATED STORE ROOM AND WCS AND CLOAKS TO PROVIDE ADDITIONAL TEACHING ACCOMMODATION FOR CHESHIRE EAST COUNCIL**

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 Development in accordance with approved plans
- 2 Materials as application
- 3 Temporary period of 2 years
- 4 Restoration of playing field

**35 12/2227M EGERTON PRIMARY SCHOOL, BEXTON ROAD, KNUTSFORD, CHESHIRE WA16 0EE: NEW MOBILE CLASSROOM FOR MRS ALISON HOOPER**

The Committee considered a report regarding the above planning application and an oral update relating to an objection received from Sport England.

**RESOLVED:** That, authority be delegated to the Head of Development Management and Building Control to APPROVE the application, subject to removal of the Sport England objection and the following conditions:

- 1 Temporary consent for three years
- 2 Submission of materials
- 3 Construction hours restricted to 0730 to 1800 hours on Monday to Friday, 0730 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays
- 4 Materials to be submitted

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor G Merry (Chairman)

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Application No: 12/2230N

Location: THE FORMER 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 - 8.5M x 2.5M, Provision of 12M x 6M Framed Batching Shed

Applicant: Mr Graham Heath, Concrete Panel Systems Ltd

Expiry Date: 13-Sep-2012

**MAIN ISSUES:**

- Principle of Development
- Impact on Neighbouring Residential Amenity.
- Impact on Highway Safety and Surrounding Road Network.
- Pollution.
- Previous Application

**SUMMARY RECOMMENDATION: Approved with Conditions****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 1000m<sup>2</sup>

**DESCRIPTION AND SITE CONTEXT**

The site measures approximately 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 know 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.

## **DETAILS OF PROPOSAL**

This application has been submitted to overcome the previous reasons for refusal. The application is therefore virtually identical to that previous scheme, albeit the applicant now also owns adjacent land to the south of the application site.

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 slab for the industrial building has been now been formed and the walls partially built, in line with what is deemed to be permitted development. In addition a second building (12 x 6 x 6m high), is proposed which will enclose the concrete 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.

This application has been submitted by the applicants to overcome the previous reasons for refusals

## **RELEVANT HISTORY**

### The application site

- 7/9842 Warehousing and operating centre for commercial vehicles relating to road transport and haulage vehicle maintenance to company vehicles only – Approved 1983
- P07/0403 11 industrial units (restricted by condition to B1) - Approved 2007.
- 10/2076N Extension of time to P07/0403 - Approved 2010.
- 12/0447N 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 - Refused 23.04.12. Appeal lodged

### Within the wider Wrenbury 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.
- P08/0070 COU from agricultural contractors to B2 use including an additional storage  
shed - Approved 2008

Adjacent site

- 11/1165N 16 Affordable houses - Resolution to approve subject to the completion of a  
Section 106 Agreement

**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 (March 2012)  
Planning for Growth: Written Ministerial Statement (23<sup>rd</sup> March 2011)

## **CONSIDERATIONS (External to Planning)**

### **Environmental Protection:**

No objection subject to conditions relating to approved hours of construction and operation and the submission of agreed details relating to noise mitigation, lighting and the control of dust.

### **Highways:**

The Strategic Highways Manager has reviewed the proposed development for this site and the comments below reflect this review and discussions subsequent to the original consideration of this application. Minor amendments to the original comments have been made with regard to the identification of the approved route for traffic generation from the site.

This is a proposal for the casting of concrete products served from an unmade track off Station Road Wrenbury. The access track serves several small businesses and is in the control of a management company, of which the applicant is a full member. Adjacent to this site is Mill Farm Estate,(Wrenbury Industrial Estate) which comprises of several small industrial units with its own separate access.

The developer has confirmed as part of supplementary highways information, that they have full access to this site and currently contribute (along with other members of the management team), to the up keep and maintenance of the access track.

It is evident that the access track is in need of some repair and that it would be advantageous to provide a passing place to allow improved internal traffic movements for larger vehicles entering the site from Wrenbury Road. The applicant fully supports the requirement for a passing place and has offered to construct one alongside the track adjacent to the business park boundary at the junction with Wrenbury Road. This will need to be a private third party agreement within the site and whilst the S.H.M. supports this provision, it is understood that in planning terms the Planning Authority will determine whether it is reasonable to condition this provision.

The access track junction with Wrenbury Road has good visibility in both directions and the applicant has offered to improve this junction to accommodate the largest of vehicles using this site.

The applicant states that in year one, a total of 6 vehicles in and out per day shall be required, with an increase to a maximum of 12 in and out from year two thereafter. The applicant fully supports the request by the highways authority to condition vehicular numbers at this location for a maximum of 12 in 12 out (identified as 24 vehicle trips).

An inspection of the surrounding highway network (by the Highway Authority) concluded that the most appropriate route to this site would be from the A530 along Wrenbury Road to the site entrance. There are two short narrow sections along Wrenbury Road where it would be

appropriate to provide road narrowing signs to for warn all road users of potential oncoming vehicles in the centre of the carriageway.

A routing plan will be required to gain access to this site and the developer has agreed that vehicles serving the site travel from Middlewich Road (A530) to the short straight length of Wrenbury Road and turn right into the site before the railway line, and the reverse movement when exiting the site. This route will prevent site traffic heading towards Wrenbury village on Station Road where the narrow sections of the carriageway could be at risk of large vehicles trying to pass each other, with potential damage to carriageway haunch and verge areas. The applicant will ensure delivery drivers adhere to the route specified.

No objection subject to conditions.

**United Utilities:** No objections.

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

**Network Rail:**

Although not directly next to Network Rail we would request that where vibro-compaction machinery / piling machinery is to be used in the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

**VIEWS OF PARISH COUNCIL**

Wrenbury Cum Frith Parish Council

At a meeting held on 21 February 2012 the Parish Council heard representations from approximately 100 members of the public from Wrenbury and Aston regarding the above application. Following an extensive discussion of the issues the 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 / 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 “

PROPOSALS FOR NEW DEVELOPMENT WILL BE PERMITTED *PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:*

- THEY ARE COMPATIBLE WITH SURROUNDING LAND USES;
- DO NOT PREJUDICE THE AMENITY OF FUTURE OCCUPIERS OR THE OCCUPIERS OF ADJACENT PROPERTY BY REASON OF OVERSHADOWING, OVERLOOKING, VISUAL INTRUSION, NOISE AND DISTURBANCE, ODOUR OR IN ANY OTHER WAY;

- DO NOT GENERATE SUCH LEVELS OF TRAFFIC THAT THE DEVELOPMENT WOULD PREJUDICE THE SAFE MOVEMENT OF TRAFFIC ON SURROUNDING ROADS, OR HAVE AN ADVERSE IMPACT ON NEIGHBOURING USES; AND
- DO NOT LEAD TO AN INCREASE IN AIR, NOISE OR WATER POLLUTION INSOFAR AS THIS MIGHT HAVE AN ADVERSE EFFECT ON THE OTHER USE OF LAND.

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.

The Council wishes to object to the revised application on the same grounds as outlined above.

Newhall Parish Council

At a Meeting of the above Parish Council it was unanimously agreed to object to this application for the following reasons:-

*Traffic:*

great concern over the increased number of HGV vehicles which will be accessing the site, this on a road already in a terrible state of repair, and with two blind bends where vehicles cannot pass each other, with a danger to other road users, pedestrians, cyclists and adjoining properties.

*Noise:*

the noise levels indicated in the application are very loud and will have a huge impact on local residents and surrounding open countryside

*Hours of work:*

means the associated problems will be unrelenting for all local residents.

*Site is classed as B2 Industrial Site:*

however what was classed as industry in the 1970's and associated traffic movements cannot be compared to industry in 2012 and the huge vehicles on the road today.

*Environmental issues:*

great concern over toxic dust from the operation and its effect on the surrounding countryside and on local residents. Also water even when filtered will be very alkaline.

*Previous application:*

P07/0403 for 11 industrial units for light use only – point 10 of the conditions of approval say that this site is for light industrial use only, and such an application clearly is in contradiction to this. Further the approval of such an application will drive other small industries away, and have a detrimental affect on others considering to relocate to the area.

*Cycling/Walking:*

Wrenbury Road is already a cycleway and is part of the South Cheshire Country Tour, and the implementation of a Walking Bus facility to Wrenbury School is not possible due to the HGV vehicles

*Affordable Housing:*

The permission for affordable housing on the old Railway Yard site, as deemed necessary for local needs, is now clearly in jeopardy due to the effects of this application which is immediately adjacent to this application.

*NPPF:*

This application brings nothing of benefit to the village but puts much of village facilities and way of life at threat

*Southern Planning Committee:*

The comments of the Southern Planning Committee to the previous application at this site, which they refused, still stand and as this application which is of minimal change to that refused, then their comments should be reiterated and as such they should also refuse this latest application

### **OTHER REPRESENTATIONS**

At the time of report writing approximately 130 representations and a petition containing approximately 250 signatures, have been received relating to this application, expressing the following concerns:

#### Highways

- Increased levels of heavy goods vehicle movements would be extremely detrimental to highway safety
- Damage to roads and verges already being caused by HGV movements
- Danger to children at the nearby school from the heavy traffic generated from the site
- Danger to children and older people as there are no pavements
- Inadequate access to the site causing HGVs to reverse on to the carriageway
- Cars having to reverse on local roads to let HGVs to pass
- The inclusion of a passing bay on the access road would only help the situation there and not on the surrounding lanes
- An additional 24 HGV movements would be unacceptable on the poor local roads
- Risks because of mud being transferred on to the roads in wet weather
- One of the nearby roads passes over a canal bridge that is not suitable for use by HGVs
- Adverse impact on the Cheshire Cycle Route
- Adverse impact on the South Cheshire Walk that was recently diverted along the narrow section of Wrenbury Road
- Risk to cyclists
- Consideration should be given to using the rail network rather than HGVs
- Misleading and incorrect information submitted by the applicant in the Highways Statement
- Appeal decision in 1990 concluded that the local roads were unsuitable for use by HGVs

#### Amenity

- Noise associated with the production of concrete
- Noise created by large vehicles
- Danger to children at local school from pollutants contained in dust generated from the site
- Proposed operating hours are unacceptable due to the noise generated
- A noise level of 104db has the potential to cause hearing damage
- There are already problems with noise and light pollution from the applicant's neighbouring steel fabrication business
- The toxic nature of cement
- Overshadowing, overlooking and overbearing impact on Holly House

- Misleading information contained in the noise report
- Light pollution

## Land Use

- The site is not suitable for this heavy industrial use
- The site has not been in B2 use for some time
- The development is unlikely to create employment in the local area and employees commuting to the site would not help the overall carbon footprint of the business
- The development would mean that the area was blighted forever
- The development could lead to families not wanting to live in the area leading to the possible closure of the school
- Adverse impact on the other businesses operating from the industrial estate
- Loss of local employment opportunities if the development leads to existing businesses leaving the area
- Adverse impact on the approved affordable housing
- There are many more suitable sites elsewhere in more suitable and sustainable locations
- Incorrect assertion that the site benefits from B2 use
- Adverse impact on tourism in the local area

## Design/Appearance

- Adverse impact on the visual amenity of the area
- Inappropriate design of the building
- Visual impact on the open countryside

## Environment/Ecology

- Risk to wildlife
- Potential for pollution of the River Weaver
- The application should have been accompanied by an Environmental Impact Assessment
- No provision for extra surface water run off
- Adverse impact on local livestock caused by dust pollution
- Lack of ecological surveys
- Impact on known Great Crested Newt colonies in the area
- Contamination of gardens growing vegetables from dust

## Heritage

- Adverse impact on the nearby Aston Conservation Area due to the increase in HGV movements
- Damage to buildings in the Conservation Area caused by vibrations from the HGVs
- If the passing bay were allowed it would result in the destruction of the avenue of Lime trees that line the access road
- Delays in placing Tree Preservation Orders on the Lime trees

## Other Matters

- The nearby school was not given proper consideration in the report on the previous application

- The application is identical to the one previously refused
- False statements and misleading reports submitted with the application
- The development has already begun without the benefit of planning permission
- Adverse impact of dust on the smooth operation of the railway
- Conflict with the NPPF and local planning policy
- Development is contrary to the Human Rights Act, Article 1 '*every individual is entitled to the peaceful enjoyment of his possessions*'
- The applicant already operates from another site where he does not have planning permission, therefore has no respect for the planning laws
- Concerns that the Council requested that the applicant re-submit the application
- Concerns that politicians were involved in search for alternative sites
- Inappropriate support for the applicant by planning officers
- Hearing the application before the appeal is decided could put pressure on members to reconsider their previous decision
- The Council does not appear to challenge the contents of the submitted reports
- Poor consultation on the application
- Problems with the website makes it difficult to submit objections

## **OFFICER APPRAISAL**

### **Previous Application**

Members will be aware that the previous application 12/0447N was refused by Southern Committee for the following reasons:

- 1. The proposal would, due to the increase in heavy goods vehicle movements and noise and dust nuisance associated with the manufacturing process, have a prejudicial impact on the residential amenity of the occupiers of Holly House, properties on Station Road and the future occupiers of the proposed affordable housing on land off Station Road, Wrenbury contrary Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*
- 2. The proposal would, due to the increase in heavy goods vehicle movements and sub-standard access arrangements, prejudice the safe movement of traffic on surrounding roads without providing a safe arrangement for vehicular access and egress contrary to Policy BE.1 (Amenity) and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011*
- 3. It is considered that the proposal would not represent sustainable development as defined by the National Planning Policy Framework due to the adverse impact on the delivery of the approved affordable housing on land off Station Road, Wrenbury (LPA Reference: 11/1165N) contrary to paragraphs 7 and 8 of the National Planning Policy Framework.*

That application is now at appeal with a Public Inquiry scheduled for late September 2012. The applicants have re-submitted the application to address the reasons for refusal, and also to enable Members to re-consider the decision.

In preparation for the impending appeal Council Officers also sought legal advice on the prospects at appeal having regard to the specific reasons for refusal. That advice raised

concerns about the reasons for refusal, and that Members needed to be made fully aware of the appropriate fall-back position should a refusal of permission be maintained. This report therefore provides updated information in respect of existing uses on the site so that Members can make a sound judgement such that any reasons for refusal are not considered to be unreasonable.

### **History and Lawful Uses**

The last known lawful use of the site was previously thought to be that of the 'Trufoods' who were involved with food production. This would give the site a general industrial use – Class B2 (General Industry) in accordance with the Town and Country (Use Classes) Order 1987, as amended. However, after further investigation of the site history (assisted by local residents) there was a subsequent application in 1983 which now appears to be the last known lawful use of this part of the site. That use was for warehousing and an operating centre for commercial vehicles, including vehicle maintenance.

It is not known which was the primary use of the site and therefore it is difficult to identify a specific use but warehousing would fall within a different use class B8, the haulage centre falls within a *sui generis* use (i.e. no grouping) and vehicle maintenance would fall under B2 (General Industrial).

Both these above uses covered the entire area known as Wrenbury Industrial Estate, however in the early 1990s the site was sub-divided which has resulted in the individual plots that exist today.

Therefore the actual use class of the plots that this application relates to is not considered to be wholly that of a B2 General Industrial use. However what is clearly evident is that there are a number of other lawful B2 industrial uses on adjacent plots to the application site.

It is also material to the consideration of the application that there is an extant permission for 11 Industrial Units, albeit limited to use class B1 (Office / Light Industrial uses).

The applicant has indicated that they will be bringing a mobile batching plant on to the site. Irrespective of the use of the land, provided the plant remains mobile it is not something that constitutes development and therefore does not require planning permission.

The final consideration that Members should be aware of is that certain works can take place on the site by virtue of Permitted Development. Boundary treatment up to 2m in height and the provision of some hardstanding within the site would be permitted development.

The Council have previously indicated that some additional hardstanding and plant/machinery to form the moulds for the concrete panels would be permitted development under Part 8 of the Use Classes Order. However, that assessment depends on the actual use of the site being that of an 'industrial' use and not that of 'warehousing'. There remains contention between the applicants and Officers about the works that have taken place in the light of the above lawful uses and what would be considered to be permitted development. The only real way to conclude these particular matters would be via a Lawful Development Certificate.

### **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”.

Local Plan 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.

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. 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.

Previous proposals for the use of the site for 11 Industrial Units (P07/0403) and renewed (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 therefore considered that there is national and local policy support for the principle of 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 or social interests, as discussed within the rest of the report.

## **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 back-drop 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 the light of any noise mitigation scheme required to limit the impact of the development. Indications from Environmental Health are that a 3m high boundary will be required on certain elevations of the site. However, given the back drop of existing industrial uses and buildings it is not considered that this would be significantly harmful to the area.

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. Any 3m high boundary treatment (required for noise attenuation) would be sufficiently far away not to cause detriment to occupiers. 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 concern both of the officers and residents 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. 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 Applicant has submitted proposes to enclose the batching plant, which is considered to 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.

The findings of all reports 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, no objection in principle is raised. 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 (12 in / 12 out) 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 includes existing traffic flow data which indicates 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. Nevertheless the permitted lawful uses of the site and the fall back position are relevant.

Similarly, the extant permission for the 11 industrial units which included a full traffic impact assessment is also material. The traffic statement supporting that application made 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 from the applications proposal 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. The nature of the proposal will increase the number of HGVs over those which would be associated with the development of the 11 industrial units.

Given the sensitivities of the issues around Highway matters the consultation response on behalf of the Strategic Highways and Transportation Manager is detailed in full within the consultations section. No objection is raised 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. 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.

The previous application was refused on the grounds that HGV movements and sub standard access arrangements would impact on residential amenity and prejudice highway safety on local roads. It is accepted that the local road network does not easily accommodate HGV's and the situation is far from ideal, but consideration must be given to the possible fall back positions if a refusal is maintained.

The fall back position in terms of the planning history indicates that the last lawful use of the application site was for warehousing, and as a haulage yard with localised vehicle maintenance. Although that use has clearly not taken place for some time, the use itself would have generated a level of vehicle movements to and from the site which would impact

on the local road network. There are also other lawful uses on the adjacent plots that generate vehicle movements into and out of the site which will already have an impact on the amenity of the area. The extant permission for 11 industrial units would also generate significant volumes of vehicle movements on the local highway network. Given these circumstances it would be difficult to refuse permission on these grounds and provide substantiated evidence that the situation would be materially worse than what could be implemented on the site.

### **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.

The impact of dust was a reason for refusal previously. Given that Environmental Health colleagues are satisfied that any matters in respect of dust nuisance can be effectively controlled via condition, and if necessary their own legislation, it is again considered very difficult to sustain the reason for refusal.

### **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 contaminants 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 contaminants 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**

### Trees

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.

### Use

Comments have been received claiming that the proposal involved a 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.

### Officers Negotiation

It is part of the application process that Officers negotiate on planning applications to try and resolve issues. Pre-applications discussions are also part of the everyday planning process. It is also standard practice that they will be asked for opinions on possible sites for new businesses and whether they will be acceptable or not. Officers operate in accordance with Codes of Professional Conduct.

## **CONCLUSIONS**

The application is virtually identical to the previous scheme that was rejected by Members earlier this year. The logical conclusion may therefore be to refuse it on the same grounds. However, legal opinion of those previous reasons for refusal expresses concern about the strength of those reasons, but also that Members were not fully aware of all the facts on the application, particularly in respect of the potential fall-back positions. The advice was that further consideration was needed. Members should also be aware that granting a permission with detailed conditions such as hours of use and operation, controls on number of vehicles, would be more effective than having unregulated operations under the lawful uses and fall-back positions indicated above.

The previous history of the site, the lawful uses of the site, the nature of any mobile operations, the characteristics of the surrounding uses, the use of other legislative controls are all matters that have been reviewed and should now be weighed up in the balancing exercise of the decision making process.

A review of the previous reasons for refusal taking account of this information is given below:

## **Impact on amenity**

HGV movements: The lawful use of the site (warehousing/haulage) could generate significant HGV movements; the extant permission for 11 industrial units would generate more vehicle movements – albeit probably less HGVs; the existing Industrial Estate generates various levels of vehicle movements. It would be very difficult to sustain a reason for refusal that the increase in HGV vehicle movements from this proposal would significantly harmful.

Noise: There is differing advice from the various submitted noise reports. It could be reasonable to favour the report that says that there will be a detrimental increase in noise. Environmental Health colleagues, taking an overview, do not however raise such an objection on noise grounds. Lawful uses including vehicle maintenance would have generated noise. Surrounding uses to this site generate noise. The mobile batching plant, that does not need planning permission, will generate noise. All of these factors need to be considered before reaching a verdict on a refusal on noise grounds.

Dust: Environmental Health colleagues are satisfied that any matters in respect of dust nuisance can be effectively controlled via condition. A refusal on amenity through dust emissions would therefore be very difficult to sustain.

## **HGV Movements**

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 the fallback position in respect of existing lawful uses of the site (warehousing/haulage), and also balanced against the extant permission for the 11 light industrial units on the same site. While it may be contended that such use will never now take place in planning terms the fall back position is a material consideration.

The Authority's Highway Engineers have also not raised an objection in principle to the proposal subject to controlling conditions which have been discussed and accepted by the applicant. It is therefore considered that the second reason for refusal on highway safety would be difficult to sustain at appeal.

## **Not Sustainable due to Impact on Affordable Housing scheme**

To an extent this reason for refusal is dependent on the above factors. If it is concluded that the above reasons are not able to be sustained in their own right then this is no longer reasonable.

Given the nature of the existing site, lawful uses and 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. A recommendation of approval is therefore made.

**RECOMMENDATION: APPROVE**

**Subject to a Section 106 Agreement to secure payment of £7,000 for delivery of additional road signage and to investigate the provision of an environmental weight restriction area along Nantwich Road, Wrenbury.**

**and**

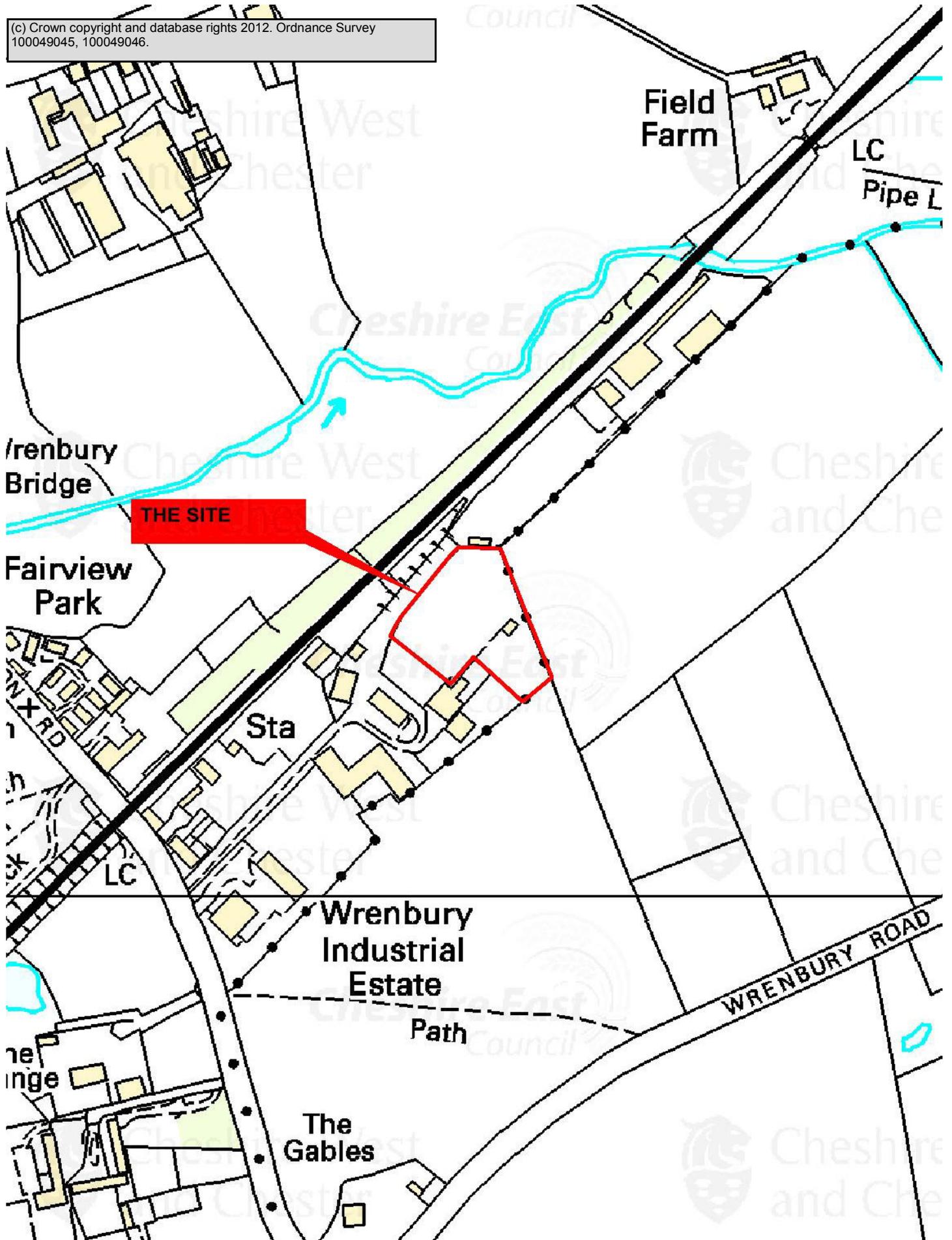
**The following conditions**

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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Application No: 11/2394C

Location: PACES GARAGE AND FAIRFIELDS, NEWCASTLE ROAD, ARCLID, CW11 2UE

Proposal: REDEVELOPMENT OF INDUSTRIAL/COMMERCIAL PREMISES AND TWO DETACHED GARAGES AND ERECTION OF 18 DWELLINGS (13 MARKET/5 AFFORDABLE), PROVISION OF PUBLIC OPEN SPACE AND FORMATION OF REPLACEMENT ACCESS FOR THE DWELLING FAIRFIELD.

Applicant: ROWLAND HOMES LTD AND MESSRS PACE

Expiry Date: 03-Oct-2011

#### **SUMMARY RECOMMENDATION**

**Approve subject to Section 106 agreement and conditions**

#### **MAIN ISSUES**

**Principle of Development**  
**Employment Site**  
**Impact on Arclid Quarry**  
**Jodrell Bank**  
**Residential Amenity**  
**Ecology**  
**Design and Layout**  
**Trees and Landscape.**  
**Access and Highway Safety.**  
**Open Space**  
**Affordable Housing**  
**Drainage and Flooding**  
**Contaminated Land**  
**Noise and Vibration**  
**Public Right of Way**  
**Other Matters**

#### **REFERRAL**

Members may recall that this application was placed before the meeting of the Southern Planning Committee on 16<sup>th</sup> November 2011, at which it was resolved that the application should be APPROVED subject to: the prior signing of a Section 106 agreement to secure:

- Affordable Housing comprising 3 social rented units and 2 intermediate tenure units.
- Social rented units to be provide through an RSL
- Financial contribution of £10,000 towards speed limit reduction from 50mph to 40mph around Arclid traffic lights.
- A management company to maintain the green space on the site.
- A LEAP play area on the site.

and appropriate conditions

The section 106 agreement for this application is still to be completed, and therefore the decision has not been issued. However, during the intervening period, concerns have been raised by Tindskill's Solicitors, acting on behalf of 3 objectors to the application, namely, Mr Ron Ford, Ms Sheila Hollinshead and Ms Hazel Jackson, raising concerns with regard to the report to committee and in particular its handling of the then development plan issues surrounding the proximity to Arclid Sand Quarry.

Furthermore, since the resolution to approve the application, the National Planning Policy Framework has replaced the previous suite of PPG's and PPS's upon which Members based their resolution.

Having taken legal advice on the matter, officers are of the view that Members should be given the opportunity to reconsider their decision in the light of these additional representations and policy context and therefore a complete and updated report on the application is presented below.

## **1. SITE DESCRIPTION**

The total site occupies an area of 0.845 Ha and is located in Arclid, Cheshire. The site sits between Newcastle Road to the East, Congleton Road to the North and the M6 to the West. Newcastle Road joins the A534, which provides direct access to the M6. The site frontage abuts Newcastle Road to the East. On the opposite side of the road lies a relatively new residential development called Villa Farm. To the West lies open countryside. To the South stands a new residential dwelling, and to the North is a small row of existing residential dwellings and Sharrock FR Ltd, an agricultural plant retailer. The site presently accommodates a crane hire and transport depot business, with a diesel fuel station and garage workshop. A car valeting and snack bar business also occupy the site.

## **2. DETAILS OF PROPOSAL**

This application seeks approval for 13 detached, 2 semi detached and 3 mews dwellings. A replacement access will be formed into the site from Newcastle Road, with 2.4 x 120m visibility splays. The development comprises a row of terraced and semi-detached dwellings facing towards Newcastle Road at the northern end of the site frontage, and an area of

public open space at the south end of the frontage. The remainder of the dwellings are arranged around this central open space.

### 3. RELEVANT PLANNING HISTORY

1114/6	1975	Car repair Workshop - Refused
22554/3	1990	Conversion into Flats – Withdrawn
22956/3	1991	Change of use to office - Approved
34977/3	2004	Erection of 25 dwellings – Refused

### 4. PLANNING POLICIES

#### National Policy

National Planning Policy Framework  
Technical Guidance to the National Planning Policy Framework

#### Regional Spatial Strategy

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

#### Local Plan Policy

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

## **Minerals Local Plan**

Policy 7 – Mineral Consultation Areas  
Policy 54 – Future Silica Sand Extraction

## **Other Material Considerations**

Cheshire East Interim Housing Policy  
Cheshire East Interim Affordable Housing Policy

## **4. OBSERVATIONS OF CONSULTEES**

### **United Utilities**

No objection to the proposal subject to the following comments.

- A separate metered supply to each unit will be required at the applicant's expense
- United Utilities encourages the use of water efficient designs

### **Highways**

- Pre-application negotiations have secured a viable internal layout for this site and a junction design with the A50 which is of an acceptable standard to the Strategic Highways Manager.
- The internal layout offers a low traffic speed design with a legible adoptable boundary.
- In traffic generation terms, when the existing generation is deducted from the proposed, the impact on the highway network will be negligible.
- The Strategic Highways Manager recommends that the following conditions and informatives are attached to any permission which may be granted for this development proposal.
- Condition:- Prior to the commencement of development the developer will provide a suite of detailed design and construction specification plans for the internal highway infrastructure and the proposed access junction, to the satisfaction of the LPA.
- Condition:- Prior to first occupation the developer will complete the proposed junction and the frontage footpaths as indicated on Rowland Dwg No. R056/1 to the satisfaction of the LPA. This will form part of the offsite highway works.
- Informative:- The developer will enter into and sign a Section 278 Agreement under the Highways Act 1980 with regard to the offsite highway works.
- Informative:- The developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regards to the adoption of the internal highway infrastructure.

### **Environment Agency**

- The EA are now satisfied that foul drainage could be conditioned.
- The proposed development will only be acceptable if the following measures are implemented and secured by way of a planning condition on any planning permission.
  - a scheme to dispose of foul drainage,

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been approved.
- The proposed development site is not considered to be located in a sensitive location with regards to controlled waters.
- The ground investigation report has identified some elevated TPH levels within soil samples, particularly in WS2, WS3, WS5B and WS6, which appears to be mainly due to heavier end TPH fractions. In addition, the investigation did not identify any significantly elevated contaminant concentrations in groundwater samples
- The package treatment plant associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.
- Infiltration drainage should not be used on land which is known to be contaminated as this may lead to the mobilisation of pollutants.
- Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems.

### **Environmental Health**

- Considering the scale of the proposed development the Environmental Health Division will be contacting the developer with regard to the potential for noise and dust nuisance.
- This section recommends that the following conditions are attached to any planning permission granted:
  - Details of the method, timing and duration of any pile driving operations to be submitted and approved.
  - Mitigation measures to minimise any impact on air quality and ensure dust related complaints are kept to a minimum.
  - The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- The application area has a history of garage and smithy use and therefore the land may be contaminated.
- This site is currently a garage therefore there is the potential for contamination of the site and the wider environment to have occurred.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- The ground investigation report submitted with the application recommends further intrusive investigation in order to investigate pollutant linkages further.
- As such, and in accordance with the NPPF, this section recommends the following conditions,

- The underground tanks and associated infrastructure should be removed by a specialist contractor and any voids left unfilled to ease visual inspection for contamination, but made safe and covered
  - A supplementary Phase II investigation strategy shall be designed, and approved in writing by, the Local Planning Authority (LPA).
  - A supplementary Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA
  - If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA.
  - If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, to be submitted to, the LPA
- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

#### **Greenspaces Officer**

No comments received at the time of report preparation

#### **Jodrell Bank**

No objection subject to incorporation of electromagnetic screening measures.

#### **Public Rights of Way Unit**

- The development affects Public Footpath Arclid No. 2, as recorded on the Definitive Map of Public Rights of Way.
- Arclid FP2 is obstructed by a large building and has been unavailable for several decades. The rights of way unit are currently in contact with the landowners agent to discuss a suitable diversion proposal for the footpath.
- If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.
- If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.
- No objection subject to various informatives being attached to the decision notice.

#### **5. VIEWS OF THE PARISH / TOWN COUNCIL**

The Parish Council have considered the above application and in general are in favour of the development on this site. However, there are some genuine concerns that they have in relation to this application and all relevant to it.

### **1. The Building Line**

The existing building line with Fairfields, The Bungalow, Wayside and No.1 Newcastle Road is not being maintained.

- a. Plots 14 to 18 open directly on to the A50. This will not encourage pedestrians to enter or egress from within the boundary of the site and may even encourage them or their visitors to park on the road (A50). Everything that can be done during the development must encourage no parking on the A50
- b. Children will be out of their front door within feet from the busy A50
- c. Plot 1 is again very close to the roadside. Some years ago there was a major fatal accident on this part of Newcastle Road and should a similar accident occur this and plots 14 -18 would be in danger from a similar incident.

The building line at the rear of the development will be further back than existing properties. Does this affect the planned developments of the local silica sand quarry?

### **2. Road – footpath access to the site**

- a. On the east side of the A50 at Villa Farm the footpath extends half way to the crossroads and should be extended to the whole length of the A50 to the crossroads. This would improve the safety of the A50 and increase pedestrian movement to the bus stop and garage.
- b. The A50 as well as being a very fast and busy road, is also the preferred diversionary route when the M6 is closed. It would be good if there could be some road improvements gained for the parishioners as a result of this development

### **3. Accessibility to the site**

There must be clear accessibility to the site by delivery vehicles, refuse collector and the school bus. It will be necessary for the school bus to pick up and drop off pupils from both the Villa Farm and proposed Paces Garage sites. The A50 is not suitable for children crossing. The sewage treatment tank is also on the far side of the site. This will also have to be accessible for emptying.

### **4. Waste Disposal**

According to the plans the waste off the site will be treated by a treatment plant and then two soakaway units for the foul water. Villa Farm has a similar treatment system that is still not adopted because it is not efficient. We should learn our lesson from this and ensure that the installation is efficient. The proposal also suggests that emergency overflow will be linked to the existing drainage system to discharge into Arclid Brook – implying that an emergency situation with the treatment plant will pollute the watercourse. The Parish Council do not believe that this is acceptable. Emergencies must be catered for within the site – if necessary by sufficient further soakaways. Whilst taking into consideration this point, the Parish Council would like to refer to the Silica Sand present and still on the area mineral plan next to the site. As a national resource they would not like to this that contaminated by effluent from this site.

### **5. Pathway number 2**

There are two conflicting ideas for this pathway at the moment. The first is the proposed new pathway as in the plans for the site but also the Public Rights of Way Team based at Crewe have issued a notice of a diversion order not in line with these at all. A possible solution would be to reinstate it to where it was originally thus not requiring a diversion but aligning plot boundaries etc. around the footpath. A further possibility is to consider a diversion affecting the whole footpath such that it could become a scenic pathway through the development and around the field behind rather than straight across the development and field.

**6. The level of the site**

The level of the development site must be monitored and maintained. There are lessons to be learnt from John Ford Way which was built up significantly higher than it should have been which has resulted in the new properties being higher than they should have been (in relation to existing properties) and has also resulted increased flooding of existing gardens.

**7. Traffic Lights A50/A534**

There is a lot of pressure on these traffic lights as already discussed with highway engineers. There is a requirement for existing residents to cross the A50 and A534 at the lights to access the garage shop. The bus stop and the post box are at the other end of the village by Villa Farm. Anything to make it easier for residents to move about within the village would be a big bonus from this development for them. The suggested installation of a pathway from Villa Farm to the crossroads would make a considerable difference for them and definitely make the village safer. This would be a planning gain for them.

**8. The Green Communal Area**

The plan is to install Cheshire Railings. Referring back to the danger of a rogue car hitting the corner too fast as previously referred to, would it not be prudent to protect any children playing there with at least a brick wall from the road? Before long children will easily make their way out of the development to play with children across the road and planting will not stop them.

**9. Brick Walls**

The Villa Farm Development is proving to work as regards the safety of children. The brick wall encases the whole site and everyone enters and egresses through the main entry. If such a brick wall should envelope this new development the same safety aspects would apply. The provision of such a wall at the new development would address the safety aspects raised in point 1 and would also hope reduce the traffic noise for the properties adjacent to the road. It would be aesthetically pleasing to the eye for everyone and safe.

**10. Electricity supply**

As part of providing electricity to the new site could the transformer currently situated between the two poles behind no.1 Newcastle Road, on the A50 be repositioned to a less intrusive position? The installation of the transformer caused a serious amount of upset to the owner of the property who had been unaware of the planned installation.

**6. OTHER REPRESENTATIONS**

Letters of representation have been received from 1, 2, 7, 10 11, 15, 18 Villa Farm Farriers Cottage, Arclid Hall Farm, making the following objections:

## **Principle of Development**

- The site is not allocated for housing in the Congleton Borough Local Plan
- Previously the Borough Council issued report dealing with preferred options for future housing and employment development. The Council's comments in respect of the application site were "although a Brownfield site, the settlement of Arclid is considered unsuitable for further housing due to the lack of local facilities and services." Consequently the site was not included as a preferred option for housing or employment development.
- The situation has not changed and the site is still unsuitable.
- Why was Arclid hospital land not considered for this Planning Application as it is much better suited for this kind of development? The length of time it has stood with no usage is a waste when it was once a very busy hospital.

## **Noise and Vibration**

- The proposed houses next to the A50 will suffer from both noise, and significant vibration. This is regardless of building specification. Existing residents have experienced similar problems.
- The External Noise Assessment Consultant states that the noise levels are NEC band C which should result in refusal of the application due to there being other available land for development (e.g. the old hospital site).
- There are strong concerns over the positioning of the proposed house identified as No.1 on the layout plan. This house is shown located on the front of the site and will be very close to the footpath and highway (A50 Newcastle Road). This house should be excluded from the development. The developers propose using enhanced double glazing and thickened ceilings but this will in no way stop the severe vibration that will be experienced within this house because of the heavy traffic on the road. The problem could also make the said property less saleable.
- If this property were not built the area could instead be used as a roadway/private access to Fairfield. The outcome would be that Fairfield would still retain its privacy and it would not necessitate a new additional entrance onto the very busy highway.

## **Highway Safety**

- Due to the increased pedestrian activity that this development would bring, pedestrian crossing facilities are required - in particular for safe pedestrian access to the bus stops close to the A50/A534 crossroads. Note that these bus stops are/will be used by children going to/from schools in both Sandbach and Congleton.
- Due to the access road for the proposed new estate road, and the new access for Fairfields being in close proximity to the Villa Farm access road, suitable measures are required to ensure that there is no increase in road traffic hazards. These measures, for example could include filter lanes for turning traffic, reduced speed limit along with greater visibility of traffic on the A50, which may take the form of widening the A50.

- In conjunction with the existing Villa Farm development, the proposed new builds will create a denser residential / pedestrian area, on a main 'A' road with a high speed limit.
- With the proximity of more dwellings to the A50 Newcastle Road and the introduction of more access points to this main road, the speed limit from the Legs of Man PH to the Zest restaurant traffic lights should be reduced from 50mph to 40mph. This speed limit is regularly flouted and these will become very dangerous junctions with even more families in cars using them.
- As well as residents' cars, traffic on the estate would include delivery vans, oil tankers, school buses and sewage plant desludging tanker. Thus the roads need to be wider and include substantial turning facilities. Additional off-street parking places should be required.
- The main entrances to the affordable dwellings are proposed to open directly onto the A50. There would be extreme danger in respect of children, pets and A50 traffic. This orientation for these dwellings is inappropriate.
- There would be a high risk of accidents occurring, potentially fatal ones, as the road is used by a range of vehicles (from motorbikes to HGV's) and is located on a bend. If more houses were to be built in this location there is a higher chance that someone could be seriously injured or die - even if the limit was lowered people can still be killed, especially a child
- The current speed limit on this particular stretch of the A50 is too high at 50 MPH and there should be a reduction if the proposed residential development were to be approved. Children living on the new development would want to cross over into Villa Farm and visa versa to play with friends and there is no provision for a pedestrian crossing on the submitted plans.
- The pavements on both sides of the A50 between the Legs of Mann pub and the A50/A534 cross roads are too narrow and they are dangerously so for any increase in use by pedestrians and school children using the A38 bus service.

### **Infrastructure**

- The village of Arclid does not have suitable facilities for more people to reside in the area, there is only one small shop which is actually an independent service station, and there are no other facilities.
- The only regular public transport is a single bus service (38) which operates hourly in a east/west direction (Congleton/Sandbach). There are no other regular transport services serving the area to other towns. In order for residents to go to work, do a weekly household shop, or go to the Doctors or Dentist, they would have to use a car which in turn increases road traffic in the area
- Sandbach and Congleton both suffer from major traffic problems why add to it by building more homes in an area with only one bus service? Cheshire East Council should be looking to only approve developments on currently unused brownfield sites such as the old Arclid Hospital site, which has a lot more potential to become a community hub and has lain bare for a number of years now, instead of developing a currently occupied commercial site and condemning the businesses that currently operate from the site to closure, and staff to lose their jobs.

### **Loss of privacy / amenity**

- The location and outlook of the five affordable houses will invade the privacy of numbers 7 & 9 Villa Farm who are located directly across the road.
- Concern about the height of units 13 and 14, which would be next to a bungalow. There is concern about overlooking of this bungalow, particularly given that the ground level of the application site is approximately 1m higher.
- The general noise of neighbours, dogs, children cars, alarms, fumes, fire etc. Is not acceptable.
- Existing residents are still suffering impacts from the 25 houses built across the road, viewed from their front windows, which was Paces Spares.
- With this plan existing residents will be surrounded by the very things that they moved to Arclid to get away from.

### **Drainage / utilities**

- An on-site HIPAF package sewage plant is proposed. Experience at Villa Farm and John Ford Way shows that such a solution has been extremely problematic. Planning approval should be conditional on the developer gaining definite acceptance in advance from the appropriate authority (United Utilities) that they will adopt the plant and be responsible for performance and maintenance
- The proposal does not describe heating arrangements for the dwellings. As there is no gas supply in the area, this is likely to mean oil central heating, and external storage tank locations should be added to the plans.
- The existing small electricity supply transformer (located near the ex-Chapel) is unlikely to suffice, so provision for a new substation should be included
- The Application proposes to deal with surface water and foul water drainage by the use of series of soakaways. This is considered to be totally inadequate in an area of ecological importance. The application site lies close to Arclid Brook and its immediate surrounds, which are extremely sensitive ecologically containing rare and protected species of flora and fauna and this scheme could potentially damage important habitat and directly affect these species. The application has not adequately considered surface and foul drainage and the implications of any pollution of Arclid Brook and its soundings.

### **Public Footpath**

- There is a public right of way through the site. How is this to be dealt with in the new scheme?
- The Public Footpath (Arclid FP2) should be restored to a line much closer to its intended route (presently it is diverted around the industrial premises). A route adjacent to the proposed open space, along the estate road and out to the rear would be easily achievable and much preferable to the hidden route around the perimeter that is presently described. This would encourage the footpath to return to proper usage, e.g. for dog walking and other recreational purposes.

### **Impact on Existing Businesses**

- Although the Paces Garage/Crane Yard business has been mentioned a couple of times, Arclid Car Wash & Valeting Services has only been mentioned barely once as an afterthought.
- According to the report made by Louis Taylor LLP, the building they currently occupy "is currently in use as a part time car wash/valeting business on a temporary basis" and that the "current owners of the site confirm that both businesses have struggled in recent years" - both of these statements are completely incorrect and entirely misleading
- This thriving small business has been ignored in the report as if it doesn't even exist. Although the report claims "that it is the owners' intention to relocate both businesses to a more appropriate location(s) within the borough" there is no agreement or proposal to do this.
- The car wash/valeting business is in no way struggling, and is in no way part time.
- Sometimes customers have to wait a week to have their car valeted
- Almost every day, and the site is almost always bustling with vehicles waiting to be washed and other vehicles being valeted.
- The application would result in the loss of this business and a service to the community.
- There is also concern about loss of jobs at Crane Hire Direct. They would be unlikely to relocate to another site. The people who run it are retirement age and likely to finish working and will not start again. Left alone it will tick along and is very busy
- We should all be supporting our local small businesses

### **Affordable Housing Provision**

- Recently in the news there was a feature about lack of housing across the country, specifically affordable housing
- This proposal only shows the intention to build a mere 5 "affordable" houses (of which only two are 2-bedroom and three are 3-bedroom). The other 13 houses are 4/5 bedroom houses that would be out of the reach of people who, want to stay in the area when they come to buy their own property.
- As it stands in the current climate, if young people wish to purchase their own home they would be forced out of the area due to the lack of rural housing that is affordable to young adults.
- There are far too many (in the last ten years) recent builds/conversions that are far too expensive for local young adults - for example, the properties at Villa Farm (Arclid), John Ford Way (Arclid), Smallwood Forge (Newcastle Road), The Courtyard (Brookhouse Green) and in the future, the site at Smallwood Storage, Moss End Lane. All of those builds are of the three to five bedroom variety attracting prices circa £250,000 (John Ford Way, 4 bedroom), £350,000 (Villa Farm, 5 bedroom). Even what could be considered by Cheshire East Council as an affordable home is out of reach, for example, £165,000 (Sunnyside, Arclid, 3 bedroom).
- Even 2 bedroom recent builds would be far out of reach for many local young adults.
- There needs to be far more affordable housing for young local adults and this proposal does not account for this at all. Why are there not more smaller homes?
- The housing market is over saturated with 3/4/5 bedroom houses that people cannot afford to buy, why do we need more of those?

### **Impact on Arclid Quarry**

- The quarry is of national significance supplying a significant proportion of the UK's total production of silica sand.
- Any development that adversely affects the Quarry would have an adverse affect on the local economy
- The Cheshire Replacement Minerals Local Plan sets out a Preferred Areas for Silica sand extraction and inset plan no.7 illustrates an area of preferred extension to the existing quarry.
- This area lies adjacent to and contiguous to the application site
- It is not therefore appropriate to develop the Paces garage site for housing
- Furthermore the minerals plan provides planning advice on where mineral development can take place. Policy 7 within the plan states that the Council will actively seek to safeguard mineral resources through the Mineral Consultation Areas process. The land to which the application relates lies within a mineral consultation area and should not therefore be developed for housing

### **Landscape / Trees**

- The occupant of The Bungalow has planted trees on the boundary and has a mature willow tree on the boundary. The roots and lifespan of which may be adversely affected by the development
- All kinds of wild life come into the adjoining garden, hedgehogs, foxes, rabbits jays magpies, robins, blackbirds thrushes blue tits woodpeckers, nuthatch and occasionally a squirrel.

A letter supporting the proposal has been received from 28 Villa Farm making the following points:

- It will enhance the area and the addition of the public open space area with the trees and plantation does considerably improve the attraction and tidiness of the village.
- The existing structure is an eyesore and poorly maintained and it can be noisy especially early morning when cranes are manoeuvring.
- Fairly regularly, lorries use the frontage as an overnight stopping area. Which can be particularly disturbing in the colder months when lorries run their engines to heat their cabs late at night and very early in the mornings. It is not uncommon to have up to four lorries parked overnight at any one time.
- The plan seems to show the houses are well spaced and not over crowded.
- Pleased that they are only 2 story dwellings as the large 3 story built off Davenport Lane are out of character for the area and too tall for a rural location.
- Also planning consent for the construction of these houses would provide additional security that the 38 bus service that has been essential for people in this neighbourhood would be maintained. There would be greater urgency attached to the upgrading of the exchange to enable faster broadband

A letter has been received from Land & Property Development (Consultancy) who have been instructed to act on behalf of the freeholders of the agricultural land abutting the western boundary of the proposed development site making the following points:

- They have concerns regarding this proposal in respect of their client's interests and future interests in their property and rights.
- The development as proposed is not suitable for the location and its proximity to the proposed mining extractions which could give rise to future problems with settlement if the necessary precautions are not implemented at the planning stage.
- It is clear from the existing reports that the ground is unstable and that there are already recommendations for further ground tests carried out.
- The reports do not take into account the close proximity of the future sand extraction nor the need for a retaining barrier for ground support which could lead to an effective blight on the properties should this not be completed.
- In the event of the above precautions not being enforced it would undoubtedly lead to a substantial limitation of the extraction boundary and therefore the volume of the registered resource.
- They would therefore urge that the planning application be refused or withdrawn for further reports to be completed and for the possibility of agreements being completed prior a revised application being submitted.
- In reaching this conclusion they have also referred to the Congleton Plan First Review Inquiry dates 11<sup>th</sup> June 2002 – 21<sup>st</sup> February 2003 given by Neil A C Holt TD Barch(Hons) Dip TP DipCons RIBA MRTPI, in which he makes reference to the importance of this land in the Cheshire Replacement Minerals Local Plan as an Area of Preferred Extension to the existing Arclid Hall Farm Quarry.
- This relates to a prior application No 34977/3 dated 25<sup>th</sup> November 2002 at the previous Congleton Borough Council. In paragraph 6 of this report it states: *"In addition to the scale of the development in relation to the size of the settlement it also lies within the 250m buffer zone around Arclid Hall Farm Quarry. Whilst in view of the number of residential properties within the vicinity of the allocation any extension of the quarry would have to be accompanied by migration measures, the introduction of the new houses could impact on potential extraction. Whilst this in itself would not have caused me to recommend the deletion of the allocation, like the presence of the Jodrell Bank Consultation Zone, it is a factor which weighs against the residential development of the site in the overall balance."*

A letter has been received from Sloane Mead Minerals Development Consultants working on behalf of the operator of Arclid Quarry.

- Arclid quarry has been worked for 60 years and is a main producer of silica sand
- The Quarry is of national significance supplying between 8-10% of the UK's total production of silica sand and one fifth of foundry sand.
- A range of other uses include insulation, ceramics, fillers and plastics
- It makes a significant contribution to the local economy and employees around 65 people and makes use of local services and contractors as well as through business rates
- Congleton Borough Council issued a consultation document in September 2006 setting out its preferred options for future housing and employment development in the Borough. The Council then issued a report setting out all of the responses that it

received on the preferred options document. The report provided the Council's comments on each response and proposed some changes to the allocated sites. The Council's comment in respect of the Application Site was "*Although a brownfield site, the settlement of Arclid is considered unsuitable for further housing due to the lack of local facilities and services.*" Consequently the site was not included as preferred option for housing or employment development.

- Extensive and detailed drilling surveys have taken place in recent years across both the preferred area in the minerals local plan and the adjoining land. This survey proved that a high quality resource of silica sand exists. Consequently the quarry operator has made representations to Cheshire County Council to extend the preferred area (within the Cheshire Minerals Development Framework) to include additional land lying to the North West and south east.
- Allowing 18 new households much closer to the current and future silica sand extraction and processing operations could result in complaints due to potential minor environmental impacts. Furthermore, the proven silica sand resources in the adjoining land would be substantially reduced or sterilised if a Buffer Zone were required to be left between the houses and the workings in the future.

A letter has been received from the operator of the existing valeting business on the site stating that they do not object to the development but would make the following points:

- The business has been running for 5 years and it is not struggling, neither is it a part time business nor a temporary one.
- There are 5 staff at the car wash and 2 at the snack bar. The team work 6 days a week and often 7 days
- The for sale sign board is misleading as the site is a brownfield site for commercial and business use and not for housing. It is misleading also in saying that business will not be affected due to relocation.
- The valeting business has not been asked or have said that they have a new location to go to
- The Council seems to ignore the valeting business. There is no mention made in the report. It gives the impression that that the business and staff numbers are too small to be of any significance
- The team have worked hard over the past 5 years and have built up a good reputation with customers for the very high standard of work on both commercial and private vehicles
- The developers were advised that a public consultation would not be required prior to the submission of the application. Why was this so?
- The business is not struggling nor is not run on a part time basis as stated in the Louis Taylor Report
- The business has grown and continues to grow so obviously relocation would be an inconvenience.

The following letter has been received from Tinsdill's Solicitors:

*Notwithstanding the advent of the National Planning Policy Framework (NPPF) it remains the position that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise: Section 38(6) of the Planning and Compulsory Purchase Act 2004. The*

*importance of proper interpretation of the Development Plan has been recently highlighted by the Supreme Court's decision in Tesco Stores Limited v. Dundee City Council (2012) UKSC 13. It is necessary for an authority discharging its statutory duty with regard to the determination of planning applications to properly identify the relevant statutory provisions and then correctly interpret them. That interpretation being a matter which is not something for the Local Planning Authority to determine as it pleased from time to time but is a matter with which the Court would concern itself if the interpretation was incorrect.*

*The Cheshire Replacement Minerals Local Plan 1999 (MLP) is a part of the Development Plan relevant in this case. Notwithstanding the date of its adoption and in accordance with paragraph 215 of the NPPF we are of the opinion that the relevant policies of the MLP should be given full weight because they are consistent with the guidance contained in the NPPF with regard to the definition and purpose of mineral safeguarding areas (paragraph 143), the use of policies to encourage prior extraction of minerals to avoid sterilisation (paragraph 143), the weight given to the benefits of mineral extraction, the relevance of land banks and the avoidance of sterilisation (paragraph 144), and the continued importance of silica sand as a resource (paragraph 146 of the NPPF and paragraph 53 of the Technical Guidance to the NPPF).*

*We have noted that the report to Committee does not suggest that the MLP is out of date but purports to consider and apply its policies with regard to the proposed housing development on the land at Paces' Garage.*

*The relevant policies of the MLP include policy 7 and policy 54. Policy 54 addresses future silica sand extraction and in addition to identifying the maintenance of the land bank provides that any proven additional sites needed will, subject to planning permission, be provided only from areas identified on the inset maps. The inset maps include map 7 which covers the land adjacent to the site as Paces' Garage. This is, in accordance with Policy 7 of the MLP, an identified mineral consultation area within which the County Council seeks to safeguard mineral resources through the MCA process. The plan points out that:*

*“As mineral resources are finite it is important that resources of economic importance are not sterilised by development and that new, sensitive development, such as residential accommodation does not encroach on those existing or potential sites to the detriment of their own amenity”.*  
*(paragraph 2.19 of the MLP)*

*The plan makes clear the importance of silica sand not only in the Cheshire context but also in the national context. Silica sand resources in Cheshire are of national significance because of their importance in a number of processes. The resource is finite and as with all mineral resources can only be worked where it lies. Unlike other forms of development, such as housing development, mineral development is not in that sense footloose. The minerals must be worked where they are found if they are to be worked at all.*

*The Report to Committee on the Paces' Garage site correctly identifies the site as lying directly adjacent to a preferred area for mineral extraction as set out in the MLP. The*

report then goes on to effectively discount the MLP by reference to a range of factors which include:

*“A south eastern extension to Arclid Quarry was granted in 2010 which means that extraction has moved closer into the 250m zone. The remainder of the preferred area holds about 2 million tonnes of mineral reserve. The operator considered extending up to the boundary with Paces’ Garage site in the 2010 application but decided against it as the reserves were limited and mainly because of the environmental and economic costs of diverting Arclid Brook. Arclid Quarry has used up a large proportion of their preferred areas by extending their site and have a land bank of reserve until 2035. There is one other area where they could potentially expand to the east but that has similar problems with ecology. It is difficult to predict if the small section of the preferred area adjacent to Paces’ Garage would come forward due to the size of the reserve remaining. This would be reduced further by the buffers, over burden stock piles and the gradient of the excavation slopes required which would further reduce the availability of the mineral to extract. However this is a national mineral reserve and should be projected”.*

*In a conclusion to that section of the Report the Officer continues:*

*“Whilst the operator and land owners’ concern that this residential application could sterilise a large proportion of mineral reserves due to a need for larger stand off is understood, as stated above, given that the site does not lie within the preferred area, the previous application in 2010 and the economic and environmental viability issues extending towards the Paces’ Garage site, this is not considered to be sufficient to warrant refusal”.*

*In our view the Officer’s report is seeking to re-write the policy in the MLP. The application site is immediately adjacent to an area which is sought to be safeguarded by the Development Plan. It contains, unarguably, a significant quantity of a scarce mineral resource which is of national importance. The policies of the MLP set out to protect such areas from development which could effectively sterilise them. It is wholly irrelevant that the application site itself is not within the protected area; the effect of Policy 7 is to ensure that residential development, a form of development expressly referred to in the MLP, does not have the effect of sterilising the valuable economic resource. It is likewise irrelevant that there has not yet been a planning application in respect of the protected area which is most proximate to the current application site. The policies of the MLP do not require that there should have been such an application in order that the mineral resources they protect should indeed be protected.*

*In these circumstances in our view the Report to Committee should clearly and unequivocally have told members that the application was in conflict with Policies 7 and 54 of the MLP and that those policies were entitled to be given full weight as being policies of a statutory Development Plan consistent with the national policy in place at the time the application was before the Committee. As we have indicated above the policies remain in our view, entitled to full weight because of their consistency with the recently issued NPPF and its Technical Guidance.*

*A failure to properly understand and apply the relevant provisions of the Development Plan is clearly a fundamental matter going to the heart of the lawfulness of any decision taken by a planning authority: see the Tesco Supreme Court decision referred to above. In this instance, in our view, the approach taken by the Council is defective for the reasons set out and requires that the matter should be reconsidered by the Committee before any decision is made. It will clearly be necessary for the Committee to then consider the relevant policies and the proper interpretation of them, and to consider why in the circumstances of this case a very substantial quantity of an important and nationally scarce mineral resource should be sterilised by housing development which however important it might be, given the limitations on housing land supply in the Cheshire East context, is ultimately a development which is much more easily accommodated than mineral development which is subject to the restrictions we have earlier referred to.*

*We accordingly invite the reconsideration of this planning application in the light of the matters we have set out above.*

## **7. APPLICANT'S SUPPORTING INFORMATION:**

- **Ground Investigation**
- **Planning Statement**
- **Noise Assessment**
- **Energy Statement**
- **Drainage Appraisal**
- **Ecological Appraisal**
- **Demand and Marketing Statement**
- **Tree and Hedge Survey**
- **Design and Access Statement**

**A letter has been received from the applicant's agent making the following points in response to the committee report:**

- In respect of Section 6 Other Representations, the report refers under the heading "Impact on Businesses" to a letter from Arclid Car Wash and Valeting Service and Arclid snack bar. However, there is no reference to the letter of 25th August 2011 of Elizabeth King, the proprietor of the business, in which she writes....."to make it clear that in no way was".....she....."registering an objection to the development of the site....."
- The report refers in Section 8 under the heading "Employment Site" to the thriving valet operation. Please note that the tenant has been granted a lease with a 6 month exclusion clause and therefore, potentially only has a short-term occupancy of part of the land.
- In respect of Section 8 and "Employment Site", it should be noted that the site has been marketed for some 9 months now and no interest has been shown in commercial re-use or commercial redevelopment. The findings and conclusions of the Louis Taylor report remain valid and pertinent.

- In respect of Section 8 under the heading “Impact on Arclid Quarry”, reference is made to the preferred areas being established on the basis that they are not within 250 metres of a significant number of dwellings. Therefore, a stand-off is required in any event from the 2 existing dwellings at Fairfield, at Villas Farm and in the group to the north of the site, notwithstanding the proposed redevelopment of Paces Garage.
- In connection with the proposed Section 106 Agreement and the provision of affordable housing, the agents confirm that Rowland Homes are proposing in respect of numbers, in spite of the viability issues relating to the nature of this brownfield site, to meet the 30% requirement set out in the saved H13 policy of the Congleton Borough Local Plan First Review. This provision also meets the 30% requirement of the council’s Interim Statement on Affordable Housing.
- The statement sets out that it is only if a developer is looking to provide a lower provision of affordable housing is a “robust development appraisal required.” Rowland Homes is not looking to reduce the provision and therefore, it is not required to provide an appraisal.
- Rowland Homes however, considers that it is not possible to meet the proposed tenure mix.
- Fundamentally, the cost of remediating the contamination of the site is considered too expensive and whilst Rowland Homes is willing and able to make the required provision, it needs some flexibility from the council on the tenure mix.
- Rowland Homes has been in discussion and correspondence with Mr Alan Miller at Plus Dane Housing and has agreed the provision and mix of social rented and shared ownership housing on site, as set out in the attached copy email of 19th October 2011. Further, it has been agreed that all 5 proposed social rent and shared ownership dwellings would be provided for and managed by Plus Dane, an RSL.
- In addition to providing all the units through an RSL, Rowland Homes is willing to make a contribution to highway improvements up to a maximum of £10,000 for signage to reduce the speed limit on all approach roads to the traffic light controlled junction in Arclid and not just on Newcastle Road, the A50 which the site fronts onto. This was not a requirement of the highway authority and therefore, it represents a further planning gain of the proposal.

**Letter from Applicant’s dated 21<sup>st</sup> June 2012 in response to letters from Tinsdill’s Solicitors:**

***I set out below our considered comments, having regard to the Supreme Court’s decision in Tesco Stores Limited v Dundee City Council referred to by Tinsdill’s, on the pertinent matters raised in the letter. These are as follows:-***

- 1. The relevant policies of the Minerals Local Plan should be given full weight because they are consistent with the guidance in the National Planning Policy Framework (NPPF).***

**While it is accepted that the Cheshire Replacement Minerals Local Plan is part of the development plan, full weight should not be given to its provisions for the following reasons:-**

**First, it is becoming out-of-date. The plan was adopted by the County Council on 2nd June 1999. Its policies and proposals were to endure for a period of 10 years to the end of 2006, with a formal review taking place after 5 years as legislation requires (para.126). No review has been adopted nor indeed has one taken place. It is now 2012, some 5 ½ years beyond the end date of the period the policies and proposals were required to endure for.**

**Second, while it is accepted that the Secretary of State saved the policies of the plan on 18th September 2007 the basis on which these policies and proposals of the plan were based, date from the mid 1990s and are now not in accord with NPPF advice in para.17 which requires that local plans should be kept up-to-date and also in para.158 which requires local plans to be based .....”on adequate, up-to-date and relevant evidence of their economic and social and environmental characteristics and prospects of the area.” The Minerals Local Plan is not up-to-date and not based on adequate and relevant evidence.**

**Third, the plan was adopted by the council prior to the Planning and Compulsory Purchase Act 2004 coming into effect. Accordingly, the plan cannot benefit from the one year provisions set out in para.215 of the NPPF. The policies and proposals therefore cannot be given full weight.**

**In these circumstances, Tinsdill’s assertion that full weight should be attached to the plan is not correct, nor can it be.**

- 2. The Paces Garage site lies directly adjacent to a preferred area for mineral extraction as set out in the Minerals Local Plan.**

**Inset Map no 7 to the Cheshire Replacement Minerals Local Plan identifies an area of preferred extension for silica sand to the existing Arclid Hall Farm Quarry. The land identified as preferred is that to the east of Hemmingshaw Lane and west of Newcastle Road. The land is bisected by Arclid Brook and adjoining woodland. The remaining land within the preferred area is farmed. The nearest part of the quarry to the south-west of Hemmingshaw Lane is 350m from the application site.**

**None of the application site falls within the preferred area. Part of the site occupied by the residential property Fairfield and Paces Garage is defined as adjoining the north-eastern boundary of the preferred area. The length of the boundary which is common to the preferred area measures 118m. However, a larger portion, the remaining 128m, of the south-western boundary of the application site does not have a common boundary with the preferred area.**

**Fact sheet 16 sets out that a preferred area is an area of land with reasonable evidence for the existence of commercially extractable minerals. However, the identification of such areas.....”does not necessarily mean that development will occur at that site.” According to Appendix 3 to the plan, proposals for extraction should follow 11 principles, one of which (vi) is that they are not within 250m of any significant number of dwellings that would be affected by any development. A “significant number” is not defined in the plan, although the majority of buildings in Arclid would fall within this 250m zone of influence. Any proposal to extend mineral extraction therefore, would in any event have to ensure that operations did not adversely affect any development, existing as well as proposed, as discussed under point 4 below.**

3. *The relevant policies of the Minerals Local Plan include Policy 7 and Policy 54.*

**The Minerals Local Plan was adopted prior to the dissolution of Cheshire County Council as Mineral Planning Authority. Policy 7 of the plan sets out to safeguard mineral resources by requiring district councils to consult the County Council on all planning applications, with specified exceptions, which fall within Mineral Consultation Areas. The policy is not relevant in its present format as Cheshire East is the authority for both minerals and planning. Further, the purpose of Policy 7 as identified in para.2.19 of the Minerals Plan is to ensure that resources are not sterilised and new development such as residential accommodation does not encroach on potential sites to the detriment of their own amenity. The proposal however, does not encroach onto a potential site identified as a preferred area. Policy 54 sets out to maintain a landbank of at least 10 years of silica sand at each production site throughout the plan period. Any proven additional sites needed to maintain the landbank will be provided, subject to planning permission, from land identified on Inset Maps, one of which is Inset Map no.7. Notwithstanding the fact that the plan period expired over 5 years ago, there is a landbank according to the council report on the Paces Garage application, of reserve minerals until 2035 – over twice the time period required by the policy and by the NPPF (para.146). Therefore, there can be no issue of supply for the foreseeable future. In these circumstances, Tinsdill’s assertion that the proposal is in conflict with Policy 54 is wholly incorrect.**

4. *The policies of the Minerals Local Plan set out to protect preferred areas from development which could effectively sterilise them.*

**The proposed housing development need not sterilise land nor prevent sand extraction any more than the proximity of existing houses and businesses adjoining Newcastle Road and elsewhere close to any future workings. Adequate mitigation measures would be required in any event to ensure proposed mineral workings complied with relevant policies in the Minerals Local Plan, such as: 23 – Nature Conservation; 25 – Ground Water; 26 and 27 – Noise; 28 – Dust; 30 – Agricultural Land; 32 – Advance Planting; 33 – Public Right of Way (Public Footpath no 2 adjoins the north-western boundary of the preferred area); 37 – Hours of Operation; 39 – Stability and Support; 41 – Restoration; and 42 – After-care. They would also need to accord with the requirements of para.143 (bullet point 6) of the NPPF. Both the former county and borough councils recognised that future development of the Paces Garage site would not prejudice a future extension of the quarry, as adequate mitigation measures would be inevitable with any future permission to ensure that the amenity of existing residents would not be harmed. Such mitigation measures were imposed when planning permission was granted in 2010 for an extension to the quarry. Similar measures would be required for any future proposals and need not sterilise the preferred area any more than would be required to protect existing residents and businesses in Arclid.**

5. *There has been a failure to properly understand and apply the relevant provisions of the development plan.*

**The Tesco Supreme Court decision referred to by Tinsdill’s re-affirms a House of Lords decision in 1998 that a decision will be open to challenge if the decision-maker (in this case the local planning authority) fails to have regard to a policy in**

***the development plan which is relevant to the application or fails properly to interpret it.***

***In this case, and for the reasons stated above, the proposal is not in conflict with policies 7 and 54 of the Minerals Local Plan and therefore, it is considered that the local planning authority has not failed in coming to its decision to properly interpret the relevant provisions. The report specifically refers to the Minerals Local Plan, to the creation of preferred areas to maintain the 10 years landbank required for the silica sand quarry. It also sets out that the site does not lie within the preferred area and as required by para.158 of the NPPF, the council has taken account of relevant evidence about the economic and environmental characteristics and prospects of the area.***

***It is made clear in the Tesco case that the policies are designed to secure consistency and direction in terms of discretionary powers and allow a measure of flexibility to be retained. Many of the provisions of development plans.....***

***“are framed in language whose application to a given set of facts requires the exercise of judgement.”***

***Local planning authorities in exercising their judgement can only be challenged on the ground that it is irrational or perverse. This was not the case with this proposal. The impact on the preferred area was considered in some depth and judgement was exercised in that a refusal of permission for the proposal could not be sustained on the fact that the site does not lie within the preferred area and that a previous application in 2010 established the fact that development of the area immediately adjacent to the application site would be economically and environmentally unviable.***

***The added presumption in favour of granting planning permission where housing land supply falls substantially short of the 5 year requirement weighs heavily in favour of the proposal. Furthermore, there is a presumption in favour of development on a brownfield site within the defined settlement boundary of Arclid, and as set out in the Ministerial Foreword to the NPPF, proposals should proceed without delay to achieve positive growth and the homes, jobs and wealth that are required.***

## **8. OFFICER APPRAISAL**

### **Principle of Development**

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

### **Employment Site**

The site is currently in employment use and therefore Policy E10 of the Local Plan will apply. Policy E10 states that proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In order to address Policy E10, the applicant has commissioned a report from Louis Taylor LLP and DLDC Ltd to comment on the current likely demand for and marketability of the freehold interest of the above site on the basis of its principal existing use for crane hire/garage operations and/or other commercial/employment uses likely to receive planning permission.

The report notes that the site currently accommodates a crane hire/garage business and a small mobile food retail unit and a car cleaning and valeting business. According to the report the latter operates on a part time basis. However, third party representations indicate that this is not the case and the valeting business operates up to 7 days a week. The report also claims that both businesses have struggled in recent years to maintain their viability/profitability, especially since the sharp downturn in the general economy and in the house building/construction industry in particular in 2007. Increasing competition from more modern/purpose built and better located operations, as well as the increasing maintenance and other running costs associated with the existing site have significantly contributed to this situation.

Whilst this may be the case in respect of the crane hire / garage, the valeting operation owner has reported that their business is thriving and continuing to grow. However, the report states that it is the owners' intention to relocate both businesses to a more appropriate location(s) within the Borough, subject to a satisfactory disposal of the site being agreed to fund this objective.

Notwithstanding the viability of the existing businesses on site, with regard to potential for disposal, the report confirms that, for both the present and for the foreseeable future, it is not considered that there is any realistic possibility of the subject site attracting any serious, viable demand on the basis of its existing or likely alternative commercial use(s) at any reasonable Market Value.

The site's re-development for either C2/Care Home or similar use(s) or for housing represents the only likely re-development approaches which can be realistically envisaged for the site in economic terms, within the foreseeable future. As it is considered that there is no likelihood of a commercial demand being attracted for C2/Care Home or similar use(s) in the foreseeable future, the report states that the site's re-development for an appropriate housing scheme represents its only realistic and currently viable development potential.

The report concludes that in accordance with Policy E10 of the current Cheshire East Local Plan, substantial planning benefits would arise with the extinguishment of the site's existing use and its re-development for housing. The authors have demonstrated that there is an ample supply (and probably an oversupply) of similar or superior commercial sites of this nature already available in the area, so demonstrating that the loss of the subject site for employment purposes would have a minimal if any adverse impact on the general supply of commercial sites and employment opportunities in the area.

On the basis of the above the report considers that it would be pointless and therefore unreasonable for the Council to require the owner to undertake a period of formal marketing of the site for sale reflecting its existing or likely alternative commercial uses, given the general sales evidence provided and other relevant circumstances referenced in the report.

Given that the site remains in active employment use, it is not considered that it is entirely unsuitable for such uses. However, it is noted that in the event of the existing businesses vacating the site, it would be difficult to secure employment redevelopment. It is also noted that, although the valeting and snack bar businesses appear to be flourishing, the crane hire company is suffering as a result of old and inadequate premises. Furthermore, it is considered that there would be planning benefits that would arise from the redevelopment of the site for residential use. Firstly, the proposal would assist the Council to meet its housing land requirements and would ease pressure of Greenfield sites elsewhere within the Borough. National policy guidance (NPPF) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained within paragraph 49 of the NPPF that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Secondly, the proposed residential development would have significantly less impact on the character and appearance of the surrounding area, traffic generation and the amenity of neighbouring occupiers than the existing business use. Third party representations have made reference to the fact that the existing garage is an eyesore and poorly maintained and it can be noisy especially early morning when cranes are manoeuvring. In addition comments have been received stating that regularly, lorries use the frontage as an overnight stopping area. Which can be particularly disturbing in the colder months when lorries run their engines to heat their cabs late at night and very early in the mornings. It is not uncommon to have up to four lorries parked overnight at any one time.

The removal of the HGV traffic and rationalisation of the existing points of access will be of benefit to highway safety and the proposals will enhance the appearance of the area through the addition of the public open space area with the trees and planting.

Thirdly the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when*

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

- *consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- *ensure that they do not impose unnecessary burdens on development”*

The proposal at the Paces Garage site will enable an existing local crane hire business to relocate to new premises and to expand, generating jobs and economic benefits. However, it is necessary to achieve residential land values from the site to enable this to happen. Furthermore, the proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. In addition it will help to support and sustain local businesses and facilities within the village of Arclid which include a petrol station and shop, restaurant and bus service. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment. It is therefore considered that these issues are important material considerations which add to the material planning benefits of the proposal.

However, to ensure that the benefits are realised it is recommended that a condition is imposed requiring the existing crane hire business to relocate to an alternative premises within the Borough prior to the commencement of development. In addition the representations regarding the existing car valeting and snack bar business are noted and it is therefore suggested that the terms of the condition be extended to include relocation of these businesses as well.

Consequently, the proposal will result in significant planning benefits in terms of housing land supply, character and appearance of the area, amenity and economic growth and on this basis it is considered that the proposal complies with the requirements of Policy E10 of the Local Plan.

### **Impact on Arclid Quarry**

Objections have been received from both the owners and operators of the nearby Arclid Sand Quarry which lies to the west of the site. The site lies directly adjacent to a preferred area for minerals (silica sand) shown in the Minerals Local Plan. The preferred areas were created in order to maintain the 10 year landbank required for this silica site, which is a national mineral resource. The preferred areas are established to ensure that the mineral is not sterilised, and also to ensure that new development is not adversely affected by mineral

operations. The preferred areas were established based on the fact that they are not within 250m of a significant number of dwellings (250m being the general limit over and above which the impact of operations is seen to reduce).

A south eastern extension to Arclid Quarry was granted in 2010 which means that extraction has moved closer into the 250m zone. The remainder of the preferred area holds about 2million tonnes of mineral reserve. The operator considered extending up to the boundary with the Paces Garage site in the 2010 application but decided against it as the reserves were limited and mainly because of the environmental and economic costs of diverting Arclid Brook. Arclid Quarry has used up a large proportion of their preferred areas by extending their site and have a landbank of reserve until 2035. There is one other area where they could potentially expand to the east but that has similar problems with ecology. It is difficult to predict if this small section of the preferred area adjacent to Paces Garage would come forward, due to the size of reserve remaining. This would be reduced further by the buffers, overburden stockpiles and the gradient of the excavation slopes required which would further reduce the availability of mineral to extract. However, this is a national mineral reserve and should be protected.

The inspector who handled the Congleton Borough Local plan inquiry commented in his report on a proposal to put forward the Paces Garage site as a housing allocation. He stated that *'whilst in view of the number of residential properties within the vicinity of the allocation any extension of the quarry would have to be accompanied by mitigation measures, the introduction of the new houses could impact on potential extraction.'* This could still be the case. However, in view of the fact that the site does not lie within the preferred area and that the previous application in 2010, which post dates the Local Plan inspectors comments, established that development of the area immediately adjacent to the application site would be economically and environmentally unviable, it is not considered that a refusal on these grounds alone could be sustained.

It should also be noted that the Inspectors primary reason for not allocating this site for housing was because he considered that there was an adequate supply of housing sites elsewhere in the Borough and that those sites did not have any constraints, such as the proximity to the mineral preferred area. Therefore, the logical conclusion was to allocate those alternative sites instead of the Paces Garage site. However, the situation has now changed in that there is a severe shortage of housing sites within the Borough and therefore, sites such as Paces Garage need to be reconsidered.

To turn to the letter from Tinsdills Solicitors, it is agreed that the MLP should be given weight as it is generally consistent with the guidance contained in the NPPF. However, there are some areas in which the provisions of the NPPF differ from those within the MLP, particularly in terms of definitions. These differences are highlighted below:

- Paragraph 143 of the NPPF states that LPA's should *"define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas"*. It should be noted that the MLP does not define Safeguarding Areas. The MLP defines *"Preferred Areas"* from which future supply, if required,

should be drawn. The emphasis of the MLP policy is therefore on directing future mineral development to appropriate locations rather than protecting resources.

- Paragraph 143 also states that LPA's should "*set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;*" However, the MLP has no such parallel policy. The only policy which refers to prior extraction is Policy 6 which states that "an application for the extraction of minerals in advance of development which would otherwise cause the permanent sterilisation of proven mineral resources will be permitted if the mineral extraction and restoration is capable of being completed within an acceptable timescale and without compromising the subsequent development." Therefore, whilst the MLP sets up a presumption in favour of prior extraction proposals, it does not, unlike the NPPF, make it a condition of development.
- Paragraph 144 states that LPA's should "*give great weight to the benefits of the mineral extraction, including to the economy*" and "*not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes*". Whilst the benefits of mineral extraction are acknowledged, as stated above, it should be noted that the MLP does not include "*mineral safeguarding areas*" only "*Preferred Areas*", furthermore, the application site is outside the designated "Preferred Area".

Tinsdills consider that policies 54 and 7 of the MLP are relevant to the determination of the application.

Policy 54 states that the Council will seek to maintain a landbank of at least 10 years production at the site and that any sites required to maintain will only be provided from within the "preferred area" as identified on the proposals map. At Arclid the "preferred area" adjoins but does not include the application site. **Therefore it is not constitute a "minerals consultation area"**. However, *the criteria for designating such areas are detailed in Appendix 5 of the MLP. This includes 'all preferred areas together with a buffer of 250m'. Therefore it is acknowledged that, it could be asserted that the proposal site would fall within one.*

Paragraph 2.19 of the MLP states "the County Council will draw up "Mineral Consultation Areas" based on current mineral planning permission areas, "Preferred Areas" for silica sand, sand and gravel and salt and "Areas of Search" for sand and gravel as well as areas of known mineral interest including potential coal reserves." However, Mineral Consultation Areas" areas were never defined.

Notwithstanding this point, the fact that a site would fall within a "Mineral Consultation Area" (were such areas formally designated) does not preclude it from development. The purpose of the "Mineral Consultation Areas", in accordance with Policy 7 of the MLP was to ensure that, prior to Local Government Reorganisation, the former Borough Councils consulted with the County Council on any development within the "Mineral Consultation Areas" to allow them to assess the potential impact of that development on "Preferred Areas" for silica sand, sand and gravel and salt and "Areas of Search" for sand and gravel.

However, now that Cheshire East Council is the Local Planning Authority for both Minerals and Waste and other general planning applications such "Mineral Consultation Areas" and

formalised consultations are superfluous and unnecessary. The advice contained within this report to committee has been prepared with the input of Development Management and Planning Policy Officers, including Minerals and Waste specialists and therefore Policy 7 has been complied with, albeit via a different process than was the case prior to Local Government Reorganisation and it is not considered that there is any conflict with Policy 7 of the MLP.

However, it is acknowledged, as highlighted in Tinsdells letter, and the NPPF that silica sand resources in Cheshire are of national importance, that the resource is finite and can only be worked where it lies. Therefore, the impact of the proposed development on the adjoining mineral reserve is a material consideration in the determination of this application. Nevertheless, for the reasons set out above, Minerals Planning Officers, within the Council are of the view that the proposal would not result in any sterilisation of the “preferred area”, over and above the constraints which already exist.

There is already residential development adjoining, and within close proximity of, the application site, and the “preferred area” on both sides of Newcastle Road, which could be considered to have a “sterilising” effect on parts of the “preferred area” as a result of buffers, overburden stockpiles and the gradient of the excavation slopes. Given that the proposed development would be no closer to the “preferred area” than existing development, it is not considered therefore, that the proposal would result in any greater level of “sterilisation” than already exists and consequently, it does not warrant a refusal of the application.

Whilst it is acknowledged that Policy 7 does say that the purpose of Mineral Consultation Areas is to ‘*actively seek to safeguard mineral resources through the MCA process*’ intention is not to prevent all development within the Mineral Consultation Areas. The purpose of Policy 7 is to ensure that the impact of development on mineral resources is properly and fully considered through the process of consultation between County and Borough planning authorities. This process (or its equivalent,) is now done internally and has been followed. Consequently appropriate consideration and weight has been given any potential sterilising effects of residential development on the resource.

Tinsdills argue that “*it is irrelevant that there has not yet been a planning application in respect of the protected area which is most proximate to the current application site. The policies of the MLP do not require that there should have been such an application in order that the mineral resources they protect should indeed be protected.*” It is relevant, however, that previous investigations, which have been carried out with a view to submitting applications for this land have determined that it would be financially and ecologically unviable to work the mineral resource the brook up to where it adjoins the current application site boundary.

In summary, Policy 54 states that any need for additional land to maintain a 10 year supply of silica sand should be met from within the preferred area and Policy 7 states that any application within the “minerals consultation area” (which was never defined) should be subject to consultation with the County Council. Neither is prohibitive to development adjoining a preferred area, or even within it, and as a result it is considered that, policies 7 and 54 are whilst relevant to the determination of the application, have been considered appropriately and officers believe there to be no conflict with the policies in question.

With regard to stability issues, the site sits on moderately permeable geology and has a very high water table, although this is likely to be de-watered as a result of mineral extraction (lowered by about 3m). The stability of land in the mineral area and adjacent properties will be assessed as part of any extension to the quarry. The dewatering is likely to reduce the pore pressures in excavated slopes so improve stability by creating drawdown. Problems may occur if softer clay, silt and peat are encountered. However, the assessment of the 2010 extension did show that the nearest properties (adjacent to Paces garage) are on glacial till and sand which is unlikely to be susceptible to stability issues but they would need a proper assessment to have any degree of certainty. This would be undertaken as part of any application to extend the quarry. Fully saturated ground and a high velocity of groundwater can cause ground movement. However, if the quarry operator were to extract on the land adjacent to the Paces Garage site they could look to modify the rate of excavation and slope profiles to ensure excessive groundwater flows did not result in slope failure. Notwithstanding this, dewatering will draw groundwater down by pumping which can also be controlled.

Stability issues are covered in MPG5 and the onus is on the mineral operator to demonstrate stability of the surface mineral working. It states that where instability may threaten land outside of the boundary of the quarry area, the planning authority has a duty to consider the potential effects and if necessary, attention should be given to the possible need for standoffs to protect neighbouring land. Therefore, as part of any future extension application at the quarry the developer would be expected assess the impact and propose standoffs, minimum excavation slopes and groundwater management systems.

Whilst the operator and land owners concern that this residential application could sterilise a large proportion of mineral reserve due to a need for larger standoff is understood, as stated above, given that the site does not lie within the preferred area, the previous application in 2010, and the economic and environmental viability issues with extending towards the Paces Garage site, this is not considered to be sufficient to warrant refusal.

Comments have been made in respect of the use of soakways for drainage and the way in which this may affect the mineral reserve. The suitability of soakways will depend on the geology in the area and location of aquifers etc. The developers are proposing soakways for surface water and foul water which will drain straight to the groundwater. As stated above there is a high groundwater table in the area which could make use of soakways difficult and geology in area is moderately permeable as a result of the till boulder clay and Gawsorth sand. There is a chance there would be rapid dissipation of surface water through to the groundwater so the infiltration rate would need to be considered. The developer would need to be confident that contamination isn't dislodged and allowed to find a pathway to the brook through the groundwater. The Environment Agency have examined the application and raised no objection on these grounds and therefore, they are not considered to present sustainable grounds for refusal.

### **Jodrell Bank**

The University of Manchester has examined the current proposals and raised no objection subject to the incorporation of electromagnetic screening measures which can be secured by condition. Therefore it is not considered that a refusal on the grounds of impact on Jodrell Bank could be sustained.

## **Residential Amenity**

The surrounding development comprises Villa Farm, a modern residential cul-de-sac development on the opposite side of Newcastle Road, and open countryside to the rear. To the south side of the site stands the bungalow known as Fairfield and a combination of 1 and 2 storey detached dwellings stand to the north side in a ribbon development. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

Whilst the concerns of Villa Farm residents are noted, distances in excess of 21.3m will be achieved between plots 14 to 18 on the site frontage and the principal elevations of the dwellings on the opposite side of the road. Similarly a distance of 21.3m will be achieved between the proposed dwelling on plot 13 and the rear of the dwelling known as "The Bungalow". Furthermore, the principal elevations of these dwellings are not directly facing and this measurement is taken from the closest point at the corner of the dwelling. Therefore no privacy or amenity issues are raised in respect of the relationship between these two properties.

The proposed dwelling on plot 14 contains 2 landing windows in the side elevation facing towards "The Bungalow". It is therefore recommended that a condition is imposed requiring these to be fitted with obscured glazing. Subject to compliance with this condition it is not considered that there would be any overlooking of "The Bungalow" from this property. Plot 14 stands significantly further forward towards Newcastle Road than "The Bungalow" and consequently there will be no loss of light to the porch / conservatory on the south elevation of this property. Despite the fact that the dwelling on plot 14 would project beyond the front building line of "The Bungalow", given that a distance of approximately 10m would be maintained between the two dwellings, it is also considered that there would be no overshadowing of the principal windows in its front elevation.

The recommended minimum distance of 13.7m will be achieved between the rear elevations of the proposed dwellings on the southern site boundary and the flank elevation of "Fairfield."

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases with the exception of the distance between the front elevation of plot 10 and the flank elevation of plot 8, where the distance will be reduced to 10m. However, these two elevations do not face each other directly, and this measurement is taken at the closest point. Therefore this is not considered to be sufficient in itself to sustain a refusal.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed plots will include significantly more than 65sq.m with the exception of one of the terraced houses on the frontage, which will benefit from a rear garden area of approximately 45sqm. However, this is excluding the off-road parking provision. They will also have small, gardens to the front, although it is acknowledged that these will be of limited amenity value. Notwithstanding this point, however, it is considered

that a smaller area of amenity space can be justified for these dwellings, as they are much smaller properties, and are therefore less likely to be occupied by families with children.

In summary therefore, the proposal is considered to be acceptable in amenity terms and in accordance with Policy GR1 of the adopted Local Plan.

## **Ecology**

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

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

and provided that there is

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

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

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

Local Plan Policy NR2 states proposals for development that would result in the loss or damage of the sites of nature conservation or geological importance will not be permitted. such sites include, inter alia, any site or habitat supporting species that are protected by law

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

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

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

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

In this case, a survey has been submitted which concludes that the area contains a range of common habitats, which are of small size compared with the scale of hard development. Most of the site has no floristic interest, being composed of hard surfaced yards and buildings with some coarse habitats of tall ruderal herb and scrub. Many of the hedges are conifers and exotic species. The buildings and the hedges have the potential to support nesting birds and the buildings could support roosting bats. As the result of this assessment a specialist surveyor was appointed to carry out a survey of the buildings in May 2011. He concludes that there was no evidence of bats on his daytime inspection and that due to the lack of potential a nocturnal survey was unnecessary. As a precautionary principle he has recommended that the crevices within the concrete block wall of the garage building should be inspected by a licensed bat surveyor prior to demolition and the ridge tiles of the car wash building should be removed under the supervision of a licensed bat surveyor.

The trees and hedgerows and scrub on the site have the potential for nesting bird habitat. If the development takes place outside of the nesting bird season (generally September to February), then no checks for nesting birds are necessary. It should be noted that barn owl is a late brooding species and may have nests occupied during October and a check for the species should be made regardless of the development timing.

The Council’s ecologist has examined the survey and commented that it is acceptable. No evidence of protected species was recorded during the surveys undertaken to inform the assessment. There is some limited potential for roosting bats within the buildings on site however he is satisfied that roosting bats are not reasonable likely to be present, consequently no additional surveys are required.

To compensate for any loss of any existing hedgerows (a Biodiversity Action Plan Habitat and hence a material consideration) or other vegetation from the site, native species hedgerows and tree planting should be included in any landscaping scheme formulated for the site.

If planning consent is granted the following conditions are required to safeguard breeding birds and to ensure some provision is made for both breeding birds and roosting bats.

### **Design and Layout**

The dwellings on plots 14 to 18 provide an active frontage to Newcastle Road, with pedestrian access out on the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominated frontage. The corner property on plot

18 also includes an entrance on the side elevation facing on to the new access road, to create a dual aspect to break up the mass of the gable and “turn the corner” into the proposed development.

With the exception of plot 13, which stands to the rear of plots 14 to 18 the remainder of the dwellings are laid out around a central public open space, which will form a new “village green” alongside the main road. This feature is reminiscent of similar traditional village greens within the Borough such as those at Astbury or Hankelow. This layout helps to create a focal point for the community as well as natural surveillance of the open space and an active frontage for passers-by. The open frontage makes the development welcoming and helps to knit into the existing built fabric of the settlement.

The Parish Council have expressed the view that the development should be surrounded by a wall similar to that which has been constructed around the Villa Farm development on the opposite side of the road, due to concerns about children running out on to the road and to protect dwellings from noise and vibration.

The properties on the Villa Farm estate are all either backing on to the road or gable end on to the road, and 2m boundary walls run along the site frontage. This type of layout is typical of the late 1990’s when this development was constructed. However, current urban design thinking is that such developments which turn their back on the public domain create dead frontages, which detract from the street scene, discourage natural surveillance, create insular communities which do not integrate with existing areas and create defensive and unwelcoming developments. The proposed design on the other hand, as stated above, will create an open and welcoming active frontage, which integrates with the existing fabric and creates a sense of overlooking and natural surveillance to the benefit of public safety. The public open space will be surrounded by a native hedge and low garden walls and gates can be provided to the frontages of the properties which face onto the main road. These can be secured by condition and should overcome concerns about child safety.

The proposed dwellings are 2 stories in height which reflects the surrounding developments in the surrounding area. It is therefore considered to be acceptable in street scene terms. Furthermore, it will help to knit together the two recent developments at Villa Farm, on the opposite side of the road, and older ribbon development to either side, to create a continuous frontage to Newcastle Road and to help to consolidate the nucleus of the settlement of Arclid which has grown significantly over recent years.

The Parish Council have expressed concerns regarding ground levels, following difficulties which occurred during the development of the Foxes Covert site on Davenport Lane. It is therefore recommended that a condition be attached requiring details of site levels and finished floor levels to be submitted and approved prior to commencement of development.

To turn to the elevational detail of the scheme, the properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details that are typical of many farmhouses and traditional cottages in the vicinity. Similar designs have been employed on the neighbouring developments at Villa

Farm and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

### **Trees and Landscape.**

The Senior Landscape Officer has examined the proposals and commented that there are a number of trees and bushes on the boundaries and a section of Copper Beech hedge fronting Newcastle Road.

There are no insurmountable landscape or forestry concerns. However, in order to provide property security, until established the proposed hedge planting to the western boundary should be supplemented by a temporary post and sheep netting fencing. This can be secured by condition.

According to the supporting documentation submitted with the application, the proposed boundary treatment for the open space to the front of the site is hedge and Cheshire Railings. The landscape officer has commented that it should not be necessary to have both hedge and Cheshire railing on the Newcastle Road frontage. Cheshire railing would traditionally have been used where an open aspect was desirable. If screening is desirable then hedging and temporary protective fencing should suffice until the hedge has established. If an open aspect is desirable then the Cheshire railing alone should suffice. If both treatments were provided they are likely to be difficult to maintain. Given the concerns of the Parish Council regarding the potential for children to run out into the road from the proposed open space, it is considered that a native hedgerow would be more appropriate. This detail can also be secured through the landscaping conditions.

The landscape officer has also commented that the proposed location of private soakaways may need review in order to avoid damage to retained trees. However, conditions will need to be imposed relating to submission and approval of drainage details. These can stipulate that soakaways should be located outside tree crowns spreads, and the landscape officer can be consulted on the submitted details prior to discharge of the relevant conditions.

The occupier of one of the neighbouring properties has expressed concerns about potential damage to trees and hedgerows on the boundary. However, it is considered that these can be adequately addressed through the imposition of the standard tree and hedge protection condition.

### **Access and Highway Safety.**

According to the developer's Planning Statement, at present site has an open frontage to Newcastle Road with three points of access. The site is a generator of a wide range of vehicles and is used by crane lorries and other slow moving heavy goods vehicles on an unrestricted, 24 X 7 basis. The proposal involves the closure and removal of the industrial businesses and therefore, heavy goods traffic. Its redevelopment for housing, which would in the main generate only cars and light goods vehicles, represents a highway gain.

The developer's highway consultants have had discussions and correspondence with the council's highway engineers and agreement has been reached on the point of access to

Newcastle, the radii at the bell-mouth and visibility splays and the internal access arrangement which is in accord with the general requirement of the Manual for Streets.

The proposal also involves the closure of the vehicular access to Fairfields through Paces Garage site and the formation of a new access incorporating a turning head within the front garden onto Newcastle Road. This replaces one of the existing access points from the garage site, which is to be extinguished. It is considered that the proposed access including radii, visibility and turning head arrangement would ensure a safe means of access and egress.

The Strategic Highways Manager has examined the application and commented that pre-application negotiations have secured a viable internal layout for this site and a junction design with the A50 which is of an acceptable standard. The proposed internal layout has been negotiated in detail and provides an acceptable design which provides well for this small development. The layout offers a low traffic speed design with a legible adoptable boundary.

In traffic generation terms, when the existing generation is deducted from the proposed, the impact on the highway network will be negligible.

To further improve highway safety, in the area, the developer has offered a reduced speed limit to 40 m.p.h., in the current 50 m.p.h. area on the A50 fronting the site. This speed limit reduction proposal has been highlighted in the Council's Speed Limit Review report and the Strategic Highways Manager would welcome the proposal for the developer to fund this speed limit change.

In detail, the current 50 m.p.h. speed limit is part of a scheme which also covers the section of the A534 which crosses the traffic signals at Arclid. It would be appropriate to change this speed limit too and it is considered to be a consistent and sensible approach to seek developer funding for both speed limits to be changed. Given the administrative legal costs would be the same for one or both speed limits to be changed, the overall cost to the developer would not be increased greatly for the additional work as it will simply require a change of signage. The cost of this work is estimated at £10,000, which could be secured through a Section 106 Agreement, which could also include a claw-back on unspent monies in the event that the actual cost was lower.

Therefore, whilst the concerns of local residents and the Parish Council are noted, in the absence of any objection from the Strategic Highways Manager and subject to the completion of the Section 106 agreement to secure funding for the speed limit change as well as imposition of conditions relating to detailed highway design and construction of the proposed junction and the frontage footpaths it is not considered that a refusal on highway safety grounds could be sustained.

### **Open Space**

The Planning Statement prepared by the applicant states that the proposed open space *"would be the third open space in Arclid. It is considered that its provision is in accord with the relevant policies in the local plan, and in particular GR1 regarding open space provision, GR2 regarding the visual, physical and functional relationship with the street*

*scene, GR3 regarding an adequate provision of open space and GR22 regarding the provision of public open space and also the Council's supplementary planning document on open space provision.*" Comments were awaited from the Greenspaces Officer at the time of report preparation, and a further update will be provided to Members at their meeting.

### **Affordable Housing**

The Strategic Housing Market Assessment (SHMA) 2010 shows that for Sandbach Rural area there is a net requirement for 5 new affordable units between 2009/10 and 2013/14. In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there is currently 1 applicant who has Arclid as their first choice.

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure. The IPS also states at paragraph 3.7 that for all sites in rural areas which have a population of less than 3,000 the Council will negotiate for the provision of an element of affordable housing on all sites of 3 dwellings or more, and the general minimum proportion of affordable housing required will be 30%. This application is for 18 dwellings and therefore the affordable housing requirement of 30% would equate to 5 units.

The application indicates provision of 5 affordable units which would meet the required affordable housing provision of 30%. However the tenure mix indicates 2 x social rent and 3 x intermediate tenure. This split is 40% social rent and 60% intermediate tenure which does not match the requirement of 65% social rent and 35% intermediate tenure. No explanation is offered for this in the planning statement. It is therefore recommended that a Section 106 agreement should be entered into to make provision for 3 x social rent units, 2 x intermediate tenure units.

The Affordable Housing Interim Planning Statement states that "the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)" It also goes on to state that "in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996." The Section 106 agreement should therefore also ensure that the developer undertakes to provide the social rented affordable units through a Registered Provider who are registered with the Tenant Services Authority to provide social housing.

Local residents have suggested that, given the relatively high house prices in the area, a greater percentage of affordable housing should be provided. However, both local plan policy and the Interim Planning Statement set a percentage of 30% for affordable housing provision and consequently, there would be no policy justification to insist on additional affordable housing.

Therefore subject to the signing of an appropriate Section 106 Agreement to secure the above it is considered that the proposal will comply with the requirements of both the Local Plan Policy in respect of affordable housing and the Affordable Housing Interim Planning Statement.

### **Drainage and Flooding**

Local residents and the Parish Council have expressed concerns about the proposed foul and surface water disposal arrangements. The application has been examined by both the Environment Agency and United Utilities and no objections have been raised. Therefore it is not considered that a refusal on drainage grounds could be sustained.

### **Contaminated Land**

The supporting documentation submitted with the application suggests that there is potential for ground contamination on the site. The Council's Contaminated Land Officer has examined the proposals and raised no objection subject to an appropriate condition to secure a full ground investigation and any necessary mitigation measures. Subject to compliance with this condition it is considered that the proposal will accord with the requirements of the NPPF and Policy GR.8 of the local plan. On this basis it is not considered that a refusal on contaminated land grounds could be sustained.

### **Noise and Vibration**

Local residents have expressed concerns about the impact of noise and vibration from passing traffic on the residential amenity of future occupiers. These concerns have been passed on to the Environmental Health Officers for comment and a response was awaited at the time of report preparation. A further update will be provided to members in due course.

### **Public Right of Way**

Public Footpath Arclid No. 2, as recorded on the Definitive Map of Public Rights of Way map runs across the site from Newcastle Road to the fields at the rear of the site. It is currently obstructed by a large building and has been unavailable for several decades. An informal, permissive diversionary route has been in place for many years which skirted the garage site in order to avoid any interference with the operations of the garage and provide a safe route for pedestrians. The landowner recently submitted an application to the Public Rights of Way Unit to formalise this diversion.

The plans for the housing redevelopment as originally submitted showed the footpath shown running between plots 7 and 8 along its definitive route. The original layout plan was then withdrawn, specifically so that the application would regularise the permissive route which has been in use for many years. This was agreed at a site meeting between the Council's area engineer, the public rights of way officer and Bill Booker of Singleton Clamp, highway consultants. It was seen as the best way forward because the route already exists and could be improved by the Rowland Homes application which would allow the route to be widened within the site to provide a minimum of a 2 metre width where it runs alongside the boundary at the rear of the site.

However, Arclid Parish Council objects to the route shown on the revised plan. In the circumstances and because of the potential delays and costs that would result from the objection being heard at a local public inquiry the applicants now wish to revert to the proposal shown on the original withdrawn layout showing the right of way running through the site between plots 7 and 8.

The public rights of way team have confirmed that they have no objection to this proposal subject to informatives being attached to the decision notice reminding the developer of their responsibility to protect the right of way and its users during and after development.

### **Other Matters**

The Parish Council have asked whether, as part of the electricity supply installation the existing transformer close to the site could be removed. However, given that this work would not be directly relevant to the development to be permitted, not necessary to make the development acceptable in planning terms, or directly relevant to planning, is not considered to be reasonable to impose it as a condition, as it would not comply with the 6 tests for a planning condition as set out in Circular 11/95.

### **9. CONCLUSION**

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

Therefore subject to the following the development complies with the relevant local plan policies and accordingly is recommended for approval.

### **10. RECOMMENDATION**

**APPROVE** subject to

**Signing of a Section 106 agreement making provision for:**

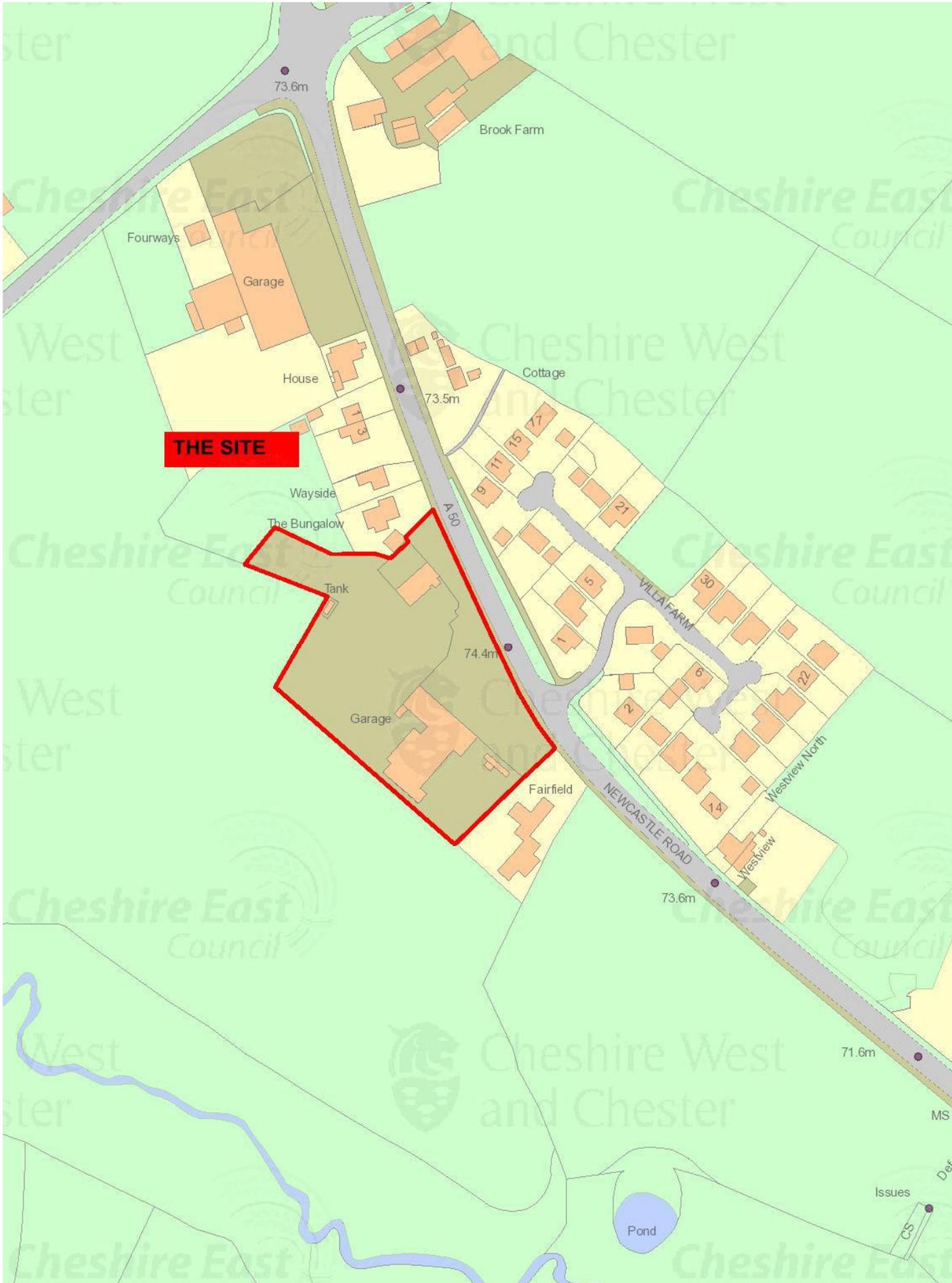
- **Affordable Housing comprising 3 social rented units and 2 intermediate tenure units.**
- **Social rented units to be provide through an RSL**
- **financial contribution of £10,000 towards speed limit reduction from 50mph to 40mph around Arclid traffic lights.**

**And the following conditions:**

- 1. Standard**
- 2. Plans**

3. Submission of detailed construction plans for access
4. Provision of footpaths to site frontage
5. Scheme of foul drainage
6. Contaminated land investigation
7. Details of Sustainable Urban Drainage System
8. Timing and method of pile driving
9. Air Quality mitigation measures#
10. Construction hours to be 0800 – 1800 Monday to Friday and 0800 to 1300 Saturday with no working on Sunday / bank holidays
11. Removal of Petrol tanks
12. Method of dealing with unforeseen contamination
13. Electromagnetic screening measures
14. Relocation of existing businesses elsewhere within the Borough
15. Tree Protection
16. No works within protected area
17. Boundary Treatment
18. Landscaping
19. Landscaping implementation
20. Materials
21. Obscured glazing to gable of Plot 14
22. Protection of breeding birds
23. Incorporation of features suitable for use by breeding birds
24. Removal of Permitted Development rights for plots 14 - 18
25. Noise and vibration mitigation measures

In the event of any changes being needed to the working of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Southern Area Manager is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's Decision.





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Application No: 11/3168N

Location: The Limelight Club, 1- 7, HIGHTOWN, CREWE, CW1 3BP

Proposal: Restoration and Conversion of Existing Building to Form 23no Dwellings with Amenity Space and Off Road Parking

Applicant: Mr Stuart Campbell, Limelight Developments Ltd

Expiry Date: 22-Nov-2011

**Date Report Prepared:** 27<sup>th</sup> July 2012

### **SUMMARY RECOMMENDATION**

Delegate back to Southern Area Manager to approve subject to conditions, and the completion of a S106 legal agreement

### **REASON FOR REPORT**

This application was considered by the Southern Planning committee on 28<sup>th</sup> March 2012, where it was resolved that 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 conditions.

It has subsequently come to light that the incorrect certificate of ownership was submitted with the original application; the correct certificate has now been submitted. The planning issues remain unchanged since it was previously determined by the Committee. However, due to this technicality we are required to seek a fresh resolution to delegate the application back to officers for final determination.

### **DETAILS OF PROPOSAL**

The site will be converted for a mixed residential scheme comprising housing and apartments with amenity space and off street parking. The design has been modified since the initial submission reducing the amount of residential units from 23 to 22 units creating approximately 1468 sqm of habitable accommodation and comprises of the following:

- 11 one bedroom flats
- 7 two bedroom flats
- 1 two bedroom house
- 1 three bedroom house
- 2 four bedroom houses

The intention is to retain and repair the external shell of the church respecting its local listing status. Internally the church will be converted to flats whilst minimising the amount of intrusive building work and retaining and restoring the original features. To create amenity space between the chapel and terrace buildings, the annex to the chapel is to be removed.

The terrace to the side will be restored back to four self contained houses as originally constructed. Changes to the fenestration of the front elevation are proposed in order to introduce a domestic scale into the elevation, to compartmentalise the building into domestic scale rooms.

Within the proposals there are several access and exit points around the site. The two communal access points are directly off the amenity space and the ground floor units within the church each have a private access and the terrace row is accessed directly off Hightown

### **KEY ISSUES**

The section 106 agreement for this application is still to be completed, and therefore the decision has not been issued.

The applicant had submitted with the application a "certificate A" which indicates that they are the sole owner of the whole application site. However, as part of the drafting of the Section 106 the applicant is required to provide evidence of title. As a result of this it subsequently transpired that there were two slivers of land within the application site which the applicant did not own, and no legal owner can be identified. In such circumstances, a Notice Under Article 6 should be published in the local press inviting any owners of the land to make comment and a "Certificate D" should be submitted to the Local Planning Authority to confirm that this has been undertaken, which had not been done in this case.

Certificate D has now been received from the applicants and notice was published in the local press on 6<sup>th</sup> July 2012. No representations have been received as a result of this notice being served.

The slivers of land to which the ownership issue relates are to be occupied by car parking and landscaping and therefore do not affect the substance of the application or the provisions of the legal agreement. Consequently the owners, who have not come forward as a result of the press notice, do not need to be signatories to the Section 106.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal remains as previously considered, and the planning merits do not need to be revisited given the procedural nature of the change outlined above. It is therefore recommended that the application is delegated to the Southern Area Manager to formally approve the application subject to the s106 legal agreement and the conditions listed within the printed minutes of the meeting from 28<sup>th</sup> March 2012.

### **RECOMMENDATION**

Delegate back to Southern Area Manager to approve subject to conditions, and the completion of a s106 legal agreement

## **PREVIOUS COMMITTEE REPORT**

### **SUMMARY RECOMMENDATION:**

- **APPROVE** subject to Section 106 Agreement and conditions

### **MAIN ISSUES:**

- **Principle of Development**
- **Housing Land Supply**
- **Amenity**
- **Highway Considerations**
- **Design**
- **Layout, Landscaping and Private Amenity Space**
- **Ecology**
- **Sustainability**
- **Land Contamination**
- **Air Quality**
- **Noise**
- **Affordable Housing**

### **1. REASON FOR REFERRAL**

The application has been referred to Committee because the proposal is for a residential development of over 10 units.

### **2. DESCRIPTION OF SITE AND CONTEXT**

The site comprises a large three storey church building with a single storey annex on the northern side of the church which connects it to what would have previously been a terraced row of four units. These have been opened up at ground level to create one large open space for a café bar. To the rear there is a lean-to structure with a change in level stepping down to a pool table area with access to the rear and to the car park beyond. The site is currently built on in its entirety excluding one or two small pockets of land available on the north western corner adjoining no. 9 Hightown

Built in 1870 as the Congregational Chapel, United Reformed Church, Hightown, the church was founded in 1847 in Oak Street but rebuilt in Hightown. Due to declining support the church closed and it was converted to many uses including a furniture store, restaurant, the Victoria Snooker Club and then into the “Limelight” club and live music venue. The club extended and expanded into the adjoining properties no. 1, 3, 5 and 7 Hightown. These have been modified and structurally altered to accommodate the requirements of the bar/nightclub. Parts of the terrace have also been a takeaway facility. The first floor currently is a residential accommodation and office space. The Limelight operated over the last two decades as a sizeable music/pub/function venue

until January 2010, since when it has remained empty after falling into receivership. The chapel building is locally listed.

The site is located on the corner of Hightown and Flag Lane, to the rear of the site is a large free car park, to the front of the site is an open park called Jubilee Gardens, the area to the south is a new four storey block of apartments and to the north is a continuation of the terrace row which has shops at ground floor and residential above.

Adjacent uses include housing, shops, car park and park. The access to the site is off Hightown and Flag Lane. The site is approximately 300m from Crewe town centre which provides access to a wide number of facilities within the town.

The site is fairly regular in shape and covers an area of approximately 950sqm. It is predominantly flat but does have a split level due to the site falling East to West.

### **3. DETAILS OF PROPOSAL**

The site will be converted for a mixed residential scheme comprising housing and apartments with amenity space and off street parking. The design has been modified since the initial submission reducing the amount of residential units from 23 to 22 units creating approximately 1468 sqm of habitable accommodation and comprises of the following:

- 11 one bedroom flats
- 7 two bedroom flats
- 1 two bedroom house
- 1 three bedroom house
- 2 four bedroom houses

The intention is to retain and repair the external shell of the church respecting its local listing status. Internally the church will be converted to flats whilst minimising the amount of intrusive building work and retaining and restoring the original features. To create amenity space between the chapel and terrace buildings, the annex to the chapel is to be removed.

The terrace to the side will be restored back to four self contained houses as originally constructed. Changes to the fenestration of the front elevation are proposed in order to introduce a domestic scale into the elevation, to compartmentalise the building into domestic scale rooms.

Within the proposals there are several access and exit points around the site. The two communal access points are directly off the amenity space and the ground floor units within the church each have a private access and the terrace row is accessed directly off Hightown

### **4. RELEVANT HISTORY**

There are no relevant previous applications relating to this site

### **5. POLICIES**

### **North West of England Plan - Regional Spatial Strategy to 2011**

Policy DP 5	Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RDF 1	Spatial Priorities
Policy W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

### **Cheshire Replacement Waste Local Plan**

Policy 11 (Development and Waste Recycling)

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.4 (Access for the Disabled)  
TRAN.5 (Provision for Cyclists)  
TRAN.6 (Cycle Routes)  
TRAN.9 (Car Parking Standards)

### **National policy**

PPS 1: Delivering Sustainable Development  
PPS 4: Planning for Sustainable Economic Growth  
PPS 25: Development and Flood Risk  
PPG 13: Transport  
Department for Transport – Manual for Streets  
Proposed Changes to PPS6: Planning for Town Centres – Consultation

**6. CONSULTATIONS (External to Planning)**

**Environmental Health**

- Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Friday	08.00 hrs	18.00 hrs
Saturday	09.00 hrs	14.00 hrs

With no Sunday or Bank Holiday working

- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

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

- Due to the location of the development being on a busy road in the town, no development shall commence until an assessment of traffic noise has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.
- Any proposed external lighting of the development shall be submitted to and approved in writing by the Local Planning Authority in order to safeguard the amenity of local residents.
- There shall be adequate bin storage, for both household waste and recycling, for the size of the development.
- The application is for new residential properties with garden areas which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, this section recommends that the standard contaminated land conditions be attached should planning permission be granted

**Highways**

- The current plans are the result of negotiation between the developer and the Highways Department and as such they are happy with the outcome.

**7. OTHER REPRESENTATIONS:**

None received at the time of report preparation.

**8. APPLICANT'S SUPPORTING INFORMATION:**

- Design and Access Statement

## 9. OFFICER APPRAISAL

### Principle of Development

The site lies within the Settlement Boundary of Crewe, where, according to Policy RES.2 the development or redevelopment of unallocated sites for housing will be permitted, (in accordance with policies BE.1- BE.5). These policies relate to matters of amenity, design, access and parking, drainage and utilities and infrastructure. These issues are addressed in more detail below. However, on the basis of the above, the proposal is considered to be acceptable in principle.

### Housing Land Supply

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

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.”* It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

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

*They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.*

The proposal will facilitate economic growth and will also create jobs in the construction industry and all the associated supply networks. It will also help to ensure a *flexible and responsive supply of housing land*. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

### **Loss of Community Facility**

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. Previous appeal decisions which have considered schemes that would result in the loss of a public house, which is considered to be similar to a nightclub use, have established that where there are other facilities within easy walking distance then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed. Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of a night club in a town such as Crewe with other night clubs, public houses and similar facilities within walking distance. It is therefore considered that the loss of this night club would not conflict with policy CF3 of the Replacement Local Plan 2011.

### **Affordable Housing**

The SHMA identifies that the annual affordable housing need for Crewe is 256 new units per year, made up of 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units.

Also Cheshire Homechoice which is the choice based lettings system for allocating social housing across Cheshire East, currently has 379 applicants who have specified Crewe Town Centre as their first choice for housing. The breakdown of applicants is 127 x 1 beds, 119 x 2 beds, 49 x 3 beds, 7 x 4 beds and 4 x 5 beds. There are 73 applicants who have not indicated how many beds they require.

As the development is for more than 15 units, the affordable housing requirement, according to current policy, is 30% of the total units on site. As originally submitted the scheme was for 23 units, which would have equated to an affordable housing requirement of 7 units. The tenure split should be 65% social rent and 35% intermediate tenure. This would result in a requirement for 4.5 units for rent and 2.5 units for intermediate tenure. The Housing Officer has expressed a preference for a mix of 5 units for rent and 2 units for intermediate tenure.

As the highest affordable housing need identified from the SHMA 2010 and Cheshire Homechoice is for 1 and 2 bed units, it is suggested that the 7 units are a mixture of 1 and 2 bed properties.

However, the developer has submitted an HCA viability assessment which demonstrates that they are unable to provide any affordable housing on the site.

Housing Officers have looked at various elements of the information in the appraisal against evidence in the Economic Viability of Affordable Housing Requirements report produced by Arc4 consultants on behalf of the Council. For example, the build costs used in the applicant's appraisal were found to be largely in line with those in the Arc 4 report.

Housing also asked for further information about the estimated sales prices and the applicant provided us with a copy of an estate agents letter with estimated prices that were used in the appraisal. These have been checked against:

- estimated sales prices of the properties used by the applicant in the HCA appraisal
- the average property prices at ward level using Hometrack Housing Intelligence System
- what is currently available for sale on Rightmove close to the site

Housing Officers found that most of the estimated prices were in line with the information available from Hometrack and similar to what was advertised for sale on Rightmove, with the only exception being that the average prices for the 4 beds on Hometrack were significantly higher than the estimated price used in the appraisal. The developer was also asked if the purchase price for the site of £130,000 used in the appraisal could be evidenced and a copy of a completion statement was provided confirming this.

In the light of the above, Housing have no objection to this application although it will not provide the affordable housing that would normally be required by policy. Whilst there is some concern that the estimated sales values for the 4 bed units may be lower than will be achieved, this could be addressed through an overage agreement so that if the total sales proceeds for the development exceed a specified amount that the additional monies are split 50/50 so that the Council could receive some contribution to go towards the provision of affordable housing.

### **Amenity**

The surrounding development comprises, a taxi office and music shop adjoining the site to the north, an electrical retailer and a small area of open space on the opposite side of Hightown to the East; a shop and a block of flats on the opposite side of Flag Lane to the south; and terraced houses at 90 degrees to the site fronting on to Flag Lane to the west.

The last approved use of the premises was as a nightclub, and it is therefore considered that the change of use to residential would improve the overall standard of amenity for neighbouring occupiers.

With regard to matters of daylight and privacy it is generally considered that minimum distances of 21m and 13m should be maintained between two principal elevations and a principal and flank elevation respectively in order to ensure an adequate standard of

privacy and amenity. There is no minimum separation distance between 2 flank elevations.

Given that no extensions are proposed to the building, the development will not impact on light to any of the neighbouring properties. The removal of the existing outriggers from rear of the terrace fronting on to Hightown will improve the situation from an amenity perspective for the adjacent shops.

To turn to the issue of privacy, there is one window proposed in the side elevation facing towards the shops to the north which would look out on to a blank gable elevation.

The terraced property to the west has a blank gable elevations facing towards the site, although a two storey outrigger contains secondary windows at ground and first floor level. At ground floor level, the existing 2m boundary wall will guard against any overlooking, whilst at first floor level, the existing window is fitted with obscured glazing. Consequently no privacy issues are raised.

The majority of proposed windows in the east elevation of the building (front) will overlook the open space on the opposite side of Hightown. However, the windows of House 4 on the plans will directly oppose those of the electrical store on the opposite side of the road. A separation distance of approximately 14m will be maintained between the properties. Whilst this is below the 21m standard, given that the property opposite is a retail premises, with, what appear to be, offices above, this reduction is considered to be acceptable. Furthermore, it is similar to the separation distances between existing properties elsewhere along Hightown.

There are a substantial number of windows in the side (south) elevation of the chapel, which will face towards the properties on the opposite side of Flag Lane.

The windows at the eastern end of the elevation will directly face commercial premises with offices above on the southern corner of Flagg Lane and St. Mary's Street and therefore do not raise any concerns. However, the windows at the western end of the elevation would directly face principal windows in the existing flats on the opposite side of Flag Lane. The separation distance between the two buildings at ground and first floor level is approximately 14m, and 17.5m at second floor level, which is substantially below the recommended 21m. However, given that these would be either bedroom windows or secondary windows to the living rooms of the proposed flats concerned, they could be fitted with obscured glazing. This would effectively eliminate any overlooking problems. This could be secured by condition.

The windows mid-way along the side elevation of the chapel would also be positioned less than 21m from those of the existing flats opposite. However, they would not be directly opposing and any overlooking between the windows would be at an oblique angle. Furthermore, this is equivalent to many similar relationships elsewhere in the surrounding area, which is characterised by tightly knit terraced streets. Subject to the conditions as site out above, it is not therefore, considered that a refusal on privacy grounds could be sustained.

### **Highway Considerations**

It is considered that traffic generation from the site would not form a sustainable reason for refusal given the previous use of the building as a night club, the scale of the development, and the sustainable location, within easy walking distance of the town centre, shops and facilities as well as the bus station.

The access to the site would be formed from the existing public car park to the rear, where vehicle speeds are low and therefore no safety concerns are raised.

As originally submitted, the development was for 23 dwellings of mixed size and would normally require a minimum combined parking provision of 35 spaces.

This is broken down as follows:

11 one bed at 100% parking	= 11 spaces
9 two bed at 200% parking	= 18 spaces
1 three bed at 200% parking	= 2 spaces
2 four bed at 200% parking	= 4 spaces
<b>Total</b>	<b>=35</b>

This proposal as originally submitted only provided 8 off street parking spaces to serve all 23 dwellings. The highways authority was of the view that the level of parking proposed was far too low to adequately serve the demand that this development will generate.

The highways authority recommended refusal on the grounds of insufficient off street parking provision. However, the applicant has submitted a revised plan, which omits a proposed extension and now provides for 20 residential units, a reduction of three from the original proposal, and incorporates 15 dedicated parking spaces for the development with no loss of spaces to the public car park

The highways officer has confirmed that subject to compliance with the amended, plans he no longer has any objection to the proposed scheme. Conditions are recommended requiring compliance with the amended plans, provision of parking prior to first occupation and provision of cycle parking which is shown on the site layout plan.

## Design

As stated above, the original chapel is locally listed. The rear elevation of the building is very clearly visible from the public car park to the rear of the site. However, very minimal changes are proposed to the rear elevation of the original chapel. The only works proposed are the reinstatement of a former window which had been previously altered to form a door.

To the front of the building, the main part of the chapel will be restored and unsympathetic signage will be removed. Existing openings will be utilised, and two small, sympathetic, porch canopies will be added over ground floor doorways. The most significant alteration proposed, is the removal of the single storey annex to the north side of the original chapel, to create an entrance courtyard. The facade of this annex

building will be retained to enclose the courtyard from the street. The existing window openings will be enlarged in order to create an entrance gateway into the courtyard behind, which will be enclosed on the other three sides by the original chapel, and the terrace of houses to the side. Whilst the loss of historic building fabric is always regrettable, given that the facade will be retained, and that the annex is not visible on the other three sides due to the presence of other buildings, it is considered that this loss can be tolerated. Furthermore, it will facilitate the conversion of the main part of the locally listed building to a viable new long term use, the alterations to the facade are considered to be sympathetic, and the new courtyard will create a pleasant area of communal open space and an inviting entrance for the development.

No changes are proposed to the side elevation with all existing openings being utilised as part of the conversion and no new openings being formed. It is therefore concluded that the proposed changes to the former chapel will not adversely affect the character and appearance of the locally listed building or that of the street scene and the proposal therefore complies with the relevant local plan policies.

To turn to the terrace of houses, at present there are a number of original windows remaining at ground floor level. These have a vertical form and distinctive arched window heads. However, an unsympathetic modern doorway has been inserted in the middle of the row and a modern shop front installed at the northern end of the terrace. These will be removed and replaced with arched windows to match the originals. 2 of the original windows will be enlarged to create new doorways but the distinctive arched heads will be retained. Sympathetic porch canopies to match those proposed on the chapel will also be added and a matching doorway and canopy will be included as part of the blocking up of the modern shop front.

At first floor level the windows in the dwellings at each end of the terrace, will be enlarged to match those of the middle units. It will restore the uniformity of the terrace. Overall it is considered that these works will represent a considerable improvement in the overall appearance of the building and the street scene on this part of Hightown.

To the rear of the terrace, a number of unsympathetic modern out-riggers will be removed and new fenestration, similar to that of the original chapel alongside, will be installed which will restore harmony to the composition of the rear elevation. It is considered that this will improve the visual amenity the car park, which forms an important part of the public realm in this area.

### **Landscaping**

With the exception of some small yard areas between outbuildings to the rear, the site is entirely covered by buildings. Consequently there will be no adverse impact on existing trees and hedges and limited opportunities for new planting.

According to the Design and Access Statement, an area of soft landscaping will be provided in front of the retained brick facade of the annex building, to soften and enhance the approach to the development. Additional areas of landscaping are to be provided on the land between the original church building and the railings of the boundary wall. Details of planting and soft landscaping can be secured by condition.

## Open Space

With regard to private amenity space, the plans show an area between the northern elevation of the church and southern elevation of the terrace row. This area will be communal space with access to cycle storage and bin storage. There is also a small amenity area to the south of the terrace row. These areas are communal for enjoyment by all parties. There are also private gardens for flat 1 and flat 5. However, it is acknowledged that the amount of private amenity space will be very limited to serve 20 dwellings, including 1 no.2 bedroom house, 1 no. 3 bedroom house and 2 no. 4 bedroom houses, which are considered to be family homes. Furthermore, no Public Open Space is provided within the proposed development, which is a local plan requirement of scheme of this size. However this is typical of existing properties in the area which comprise predominately terraced houses and flats. Also the site has ready access to the existing Public Open Space on the opposite side of the road and is within easy walking distance of larger areas of open space such as Queens Park. Whilst lack of on-site Public open space can be mitigated through a financial contribution towards off site provision, given the viability issues with this scheme, as explained above it is not considered that a payment could be secured in this case.

## Ecology

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

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

and provided that there is:

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

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

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

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

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

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

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

In this case the Council’s Ecologist has confirmed that he does not anticipate there being any significant ecological issues associated with the proposed development.

### **Sustainability**

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply, at least 10% of predicted energy requirements should be from such sources unless it is demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. This applies to all residential developments comprising 10 or more units. No information with regard to energy sourcing has been submitted with the application. However, it is considered that this detail can be adequately secured by condition.

### **Land Contamination**

The application is for new residential properties with garden areas which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, Environmental Health have recommended that the standard contaminated land conditions be attached should planning permission be granted

### **Air Quality**

Although it is within the town centre, the site is not located within an Air Quality Management Area and therefore it is not considered that the proposal will exacerbate or be adversely affected by air pollution. Consequently the Environmental Health Section have raised no objection on these grounds.

### **Noise**

Due to the location of the development being on a busy road in the town, the Environmental Health Section have commented that an assessment of traffic noise and any recommended mitigation should be secured by condition.

## **10. CONCLUSION**

The application involves the conversion of a former chapel and an adjoining terraced row, which were last used as a nightclub, but have been derelict since 2010, to 20 dwellings. The building is locally listed.

The site is located in the settlement boundary for Crewe where there is a presumption in favour of new development. The proposal will assist the Council in meeting its 5 year housing land supply requirements, ease pressure on Greenfield sites, regenerate a derelict site, secure a long term viable future for a locally listed building and will create jobs and economic growth in the construction industry. It should therefore be supported in principle.

Given the availability of alternative facilities it is not considered that loss of the nightclub provides grounds for refusal. An acceptable financial appraisal has been submitted which demonstrates that it is not economically viable to provide affordable housing on this site. Subject to the imposition of obscured glazing conditions, the proposal is considered to be acceptable in amenity terms.

The site is sustainably located within a short walking distance of the town centre and bus station, and has a safe vehicular access from the car park at the rear. As a result of a reduction in the number of units proposed from 23 to 20 and inclusion of 15 parking spaces the proposal is considered to have adequate on-site parking provision. There is also a large public car park to the rear.

The scheme is considered to be acceptable in design terms and will not adversely affect the character and appearance of the street scene or the locally listed building and its setting.

Although the development provides no on-site Public Open Space and only very limited private amenity space, it is located in close proximity to off site provision. Whilst a contribution towards maintaining or improving of off-site Public Open Space would be desirable give the viability issues referred to above, this is not considered to be a reasonable request in this case.

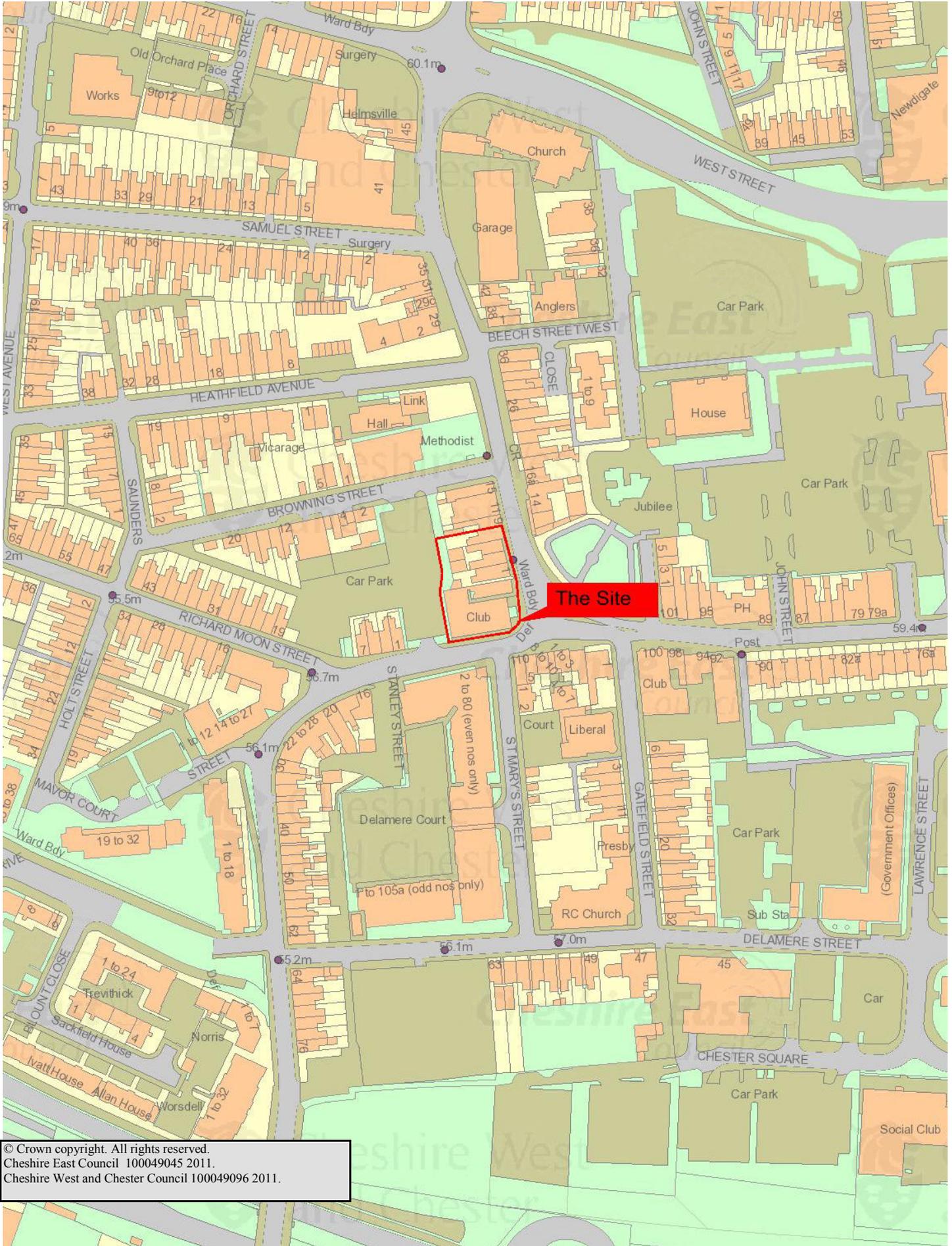
Subject to the imposition of appropriate conditions, the proposals will have no adverse impact in terms of trees, landscape, ecology, land contamination, air quality or noise.

Therefore, having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

## **10. RECOMMENDATIONS**

**APPROVE** subject to 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 and the following conditions:

1. Standard
2. Amended plans
3. Provision of carparking
4. Provision of cycle parking
5. Side windows of Bedroom 1 (Flat 8) Living Room (Flat 5) and Bedroom (Flat 13)
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 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.



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Cheshire West and Chester Council 100049096 2011.

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Application No: 12/1175N

Location: REASEHEATH COLLEGE, MAIN ROAD, NANTWICH, CHESHIRE, CW5 6DF

Proposal: Proposed 3 Storey 150 Bed Residential Student Accommodation Building.

Applicant: Mr Mark Embrey

Expiry Date: 25-Jun-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Procedural Matters;
- Policy;
- Need for Additional Student Accommodation;
- Design;
- Amenity;
- Landscape;
- Highways;
- Drainage;
- Sustainability;
- Ecology; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51 ring road. The application site is located on the periphery of the college campus in a highly prominent position adjacent to Wettenhall Lane. Located immediately to the north of application site is another hall of residence (Windsor Hall) and to the south is Crewe Alexander football training ground. The main college campus is located to the east. The site originally comprised a large wooded area; however, many of these trees which are not protected by a TPO have since been felled. The application site is located just outside the Reaseheath Conservation Area and is wholly within the open countryside.

**DETAILS OF PROPOSAL**

This is a full application for a three storey student accommodation block comprising 150 bedrooms at Reaseheath College, Wettenhall Road, Nantwich.

The building will measure approximately 10m high to the roof (and 12.7m high to the top of the roof cowls) and is 11.7m deep by 46m wide by 97m long. And will be located in a highly prominent position.

## **RELEVANT HISTORY**

P06/0507 - Demolition of Shed and Erection of Construction Workshop. Approved 4<sup>th</sup> July 2006

P06/0512 - Change of Use from Manufacturing Building to IT Centre including Demolition of Oil Store and Erection of New Entrance. Approved 4<sup>th</sup> July 2006

P06/0991 - 96 Bed Two Storey Student Accommodation Building With Associated Car Parking And Landscaping. Approved 4<sup>th</sup> December 2006

P07/0024 – Erection of Electricity Generation Facility. Approved 26th February 2007

P07/0380 – Erection of Milking Parlour. Approved 21<sup>st</sup> May 2007

P07/0412 – 4 Isolation Pens. Approved 1<sup>st</sup> May 2007

P07/0517 – Replacement Animal Care Centre. Approved 20<sup>th</sup> July 2007

P07/0508 – Extension to Existing Calf House. Approved 31<sup>st</sup> May 2007

P07/0541 – Demolition of Store and Maintenance Buildings and Construction of Learning Resource Centre and Alterations to Parking. Approved 4<sup>th</sup> June 2007

P07/0638 – Demolition of Temporary Classroom Block and Construction of a New Estates Maintenance Workshop to Replace Facilities Demolished to make way for the New Learning Resource Centre. Refused 25<sup>th</sup> June 2007.

P07/0761 – New Engineering Academy Building Approved on 29<sup>th</sup> August 2007.

P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – Approved – 11<sup>th</sup> December 2008

09/1155N - Demolition of the Cross College Building including Student Union Office to make way for the New Student Hub approved under application P08/1126 (Crewe & Nantwich) Conservation Area Consent – Approved – 5<sup>th</sup> June 2009

09/2160N - Refurbishment and Extension of the Existing Food Processing Department to Accommodate a New Student Training Facility – Approved – 22<sup>nd</sup> September 2009

10/0279N - Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use – Approved – 16<sup>th</sup> April 2010

10/1345N - Removal of the Existing Flue (1m Diameter by Approx 10m High) and the Addition of Three Smaller Flues (1 x 514mm Diameter by Approx 10m High, 2 x 378mm Diameter by Approx 10m High) – Approved – 11<sup>th</sup> May 2010

10/3339N - Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff - Approved

11/2450N - Construction of a New 2 Bay Silage Clamp Extension on Hall Farm within the College Grounds – Approved – 15<sup>th</sup> August 2011

11/2449N - The Construction of a New Calf House on Hall Farm within the College Grounds – Approved – 26<sup>th</sup> August 2011

## **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.5	(Infrastructure)
NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)
TRAN.9	(Car Parking Standards)

## CONSIDERATIONS (External to Planning)

**Highways:** No objections subject to the developer contributing £50,000 is provided to upgrade and maintain cycle and walking facilities outside the college grounds.

**United Utilities:** No objection

**Ecology:** Objects further detailed surveys are required

**Forestry:** The tree survey does not provide any detail on the position of the development in relation to trees shown for retention, and as such it is difficult to ascertain the overall impact of the development upon their rooting environment and their long term useful life expectancy.

**Environmental Health:** No objections subject to the following being conditioned - hours of construction, pile foundations, floor floating, dust control and lighting.

**Contaminated Land:** No objections subject to the following informative being attached to any decision

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 2012 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.

**Landscape:** No detailed landscape proposals have been provided however, in the immediate area of the development, opportunities for new landscape works to mitigate the losses would be minimal.

**Sustrans:** No objections subject to the following comments

- Regional Route 75 of the National Cycle Network passes through the Reaseheath site from the A51 to Wettenhall Road. The proposed building lies adjacent to it. The continuity of the route should be maintained, and we would like to see clearer signing of the route through the site. Can the college contribute to 4 stylus directional signs, in the style of those on Nantwich riverside?

- The cycle parking for the new accommodation should be secure, conveniently sited and under cover.

- The travel planning message at the site should extend to the new accommodation.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments received at the time of writing this report.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from the occupiers of Foxcroft, Reaseheath House and Poole Green Cottage. The salient points raised in the letters of objection are:

- The college has failed to consult local residents on this application, but they have on other applications;
- The proposal will be blight on the landscape, it is too close to Wettenhall Road and will be highly visible and it will appear incongruous;
- It is located on a bend which already has issues when large vehicles negotiate it;
- The proposal will increase traffic on Wettenhall Road, over and above the additional traffic already created by the Councils granting planning permission for a haulage business and its failure to deal with the Travellers Site;
- None of the local residents in the area have been notified by the Council that this application has been submitted by the Council;
- The proposal shows a distinct lack of sympathy with the vernacular style of buildings in close proximity to it, though it is in keeping with recent builds on the Worleston side of the college, which are generally not visible. The Wettenhall approach is currently characterised by farms and other out buildings. To position such a large contemporary build at this location would be wholly inappropriate and at odds with the local environment;
- Students frequently park on the local grass verges due to a lack of car parking spaces; and

- Cinder Lane as a location where drug dealing is known to take place. There have been arrests and drugs paraphernalia, such as dealer bags and bongos, have been collected and disposed of by local residents. There are, from time to time, additional problems relating to student behaviour/ vehicles & driving styles together with episodes such as setting fire to woodland, throwing logs into the local brook together with the associated increase in the levels of litter discarded. Whilst it is accepted that not all are responsible, these are behaviours we would not wish to see an increase in as a direct consequence of a larger student population; and
- The college has already cleared a large amount of the wooded area, prior to the determination of this application;
- The proposed development is of a large scale in a rural area currently used for farming livestock. Developing on a similar scale to the neighbouring building, Old Hall Farm, can in no way be justified, as this building was (as its name suggests) a farm, which is entirely in-keeping with its rural environment - not a student hostel, which is more in-keeping with an urban development within the town's confines;
- The college has abundant alternative locations for this development within its existing campus and bordering the Worleston road. This location has been chosen as its land is clearly perceived by the applicant as being of limited value - hence its original intent to locate the football training ground in the same place. The applicant needs to demonstrate that it is behaving as an agricultural training establishment - not a property development company. If the applicant is unable to demonstrate that the land cannot be productively used for agricultural purposes (for which it has been for well over 50 years), then this application should be dismissed out of turn.

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

### **Tree Survey**

## **OFFICER APPRAISAL**

### **Procedural Matters**

A number of local residents have claimed that as the application is retrospective as the majority of the trees on the application site have already been felled and as such the applicant has been acting illegally. However, it is not an offence to carry out development without first obtaining planning permission required for it. In particular, Section 73A of the 1990 Town and Country Planning Act specifically provides that a grant of planning permission can be given for a development that has already taken place.

### **Policy**

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Car Parking and Access), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), TRAN.9 (Car Parking) and CF.2 (Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to

ensure that the proposed development respects the scale, form and design of the existing buildings and the general character of the area.

In summary, these policies seek to protect the character and appearance of the open countryside whilst allowing for appropriate development. Policies also protect residential amenity and ensure safe vehicular access and adequate parking. A new building will not be permitted unless it harmonises with its setting and is sympathetic in scale, form and materials to the character of the built form and the area particularly adjacent buildings and spaces.

### **Need for Additional Student Accommodation**

The applicant stresses that the college is in urgent need of additional student accommodation. The college has seen a significant increase in student numbers over the last few years and as such demand outstrips available supply. The college currently leases student accommodation in Nantwich but the lease for this accommodation is due to expire and will not be renewed.

The applicant has assessed whether the proposed building could be sited at any other location in the campus, but due to various constraints could not be accommodated elsewhere. The applicant was asked whether the number of units could be reduced, but due to the numbers required and economic reasons, this could not be achieved.

### **Design Standards**

This application has been subject to extensive negotiations between officers and the applicant and his agent. However, it is still appreciated that this is a finely balanced application.

Guidance advocated within NPPF supports well designed buildings. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'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'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

The proposed three storey student accommodation block is located in a highly prominent position adjacent to Wettenhall Road. The building will be visible at both long and short ranges as one is driving up and down Wettenhall Road. According to the submitted plans the

footprint of the proposed building is shaped like a letter 'L'. The building will measure approximately 10m high to the roof (and 12.7m high to the top of the roof cowls) and is 11.7m deep by 46m wide by 97m long. The car parking will be located to the front of the building and the cycle shelter will be located to the side.

According to the submitted plans the proposed building will be constructed out of facing brick, with cedar cladding to the drums at the ends of the building and at other regular intervals along the rear elevation of the building and zinc cladding to the roof cowls. These materials will be secured by condition, in the event that planning permission is approved.

Originally there were concerns that the building due to its sheer mass and scale located adjacent to Wettenhall Road will appear as an alien and incongruous feature. Therefore, the applicant has broken up the mass of the building by setting certain sections back, which creates reveals and utilising contrasting materials including glass and different colour facing brick. Furthermore, the building now incorporates a flat roof, which helps to reduce its scale and mass and additionally to break up the building 6 large roof cowls are proposed. It is considered that these roof cowls are quite large and appear cumbersome and an additional condition will be attached requesting large scale plans to be submitted and approved. In addition to the above, the building incorporates a parapet wall, which is slightly set back, and this again helps to visually reduce the scale and bulk of the building.

Located at the ends of the building and at regular intervals along the rear elevation are large drums, which are clad in Cedar. It is considered that these elements add further articulation to the facades by helping to break up the linearity of the longer sections of building and they also add interest and animation to the various elevations. The provision of green roofing to soften the roofscapes, will improve biodiversity and contribute to sustainable drainage.

The agent states that the elevations of the building have been specifically developed to reflect the function of the building, with door and window patterns clearly setting up a rhythm across the façade. It is intended that this, in combination with changes in colour scheme and materials across the façade will create a vibrant and dynamic impression to the overall composition of the building. This will also help to reduce the overall bulk of the building in its landscape setting.

Internally the building will comprise of entrance foyers, 150 bedrooms, kitchen areas laundry and plant room and refuse store.

Overall, it is considered that the proposed accommodation would be of a modern design and the bulk of the buildings would be reduced through the staggered elevations and the use of different blocks of material. Furthermore, it is considered that the use of red brick as the predominate material reflecting its wider use in this part of the campus and the Conservation Area (as opposed to render and Staffordshire blue brick).

The building would be of a modern appearance which is acceptable given the appearance of the existing buildings within the campus. The use of red facing brick is considered to be acceptable as the neighbouring Windsor Hall has been constructed out of similar material and more modern materials such as Cedar and Zinc cladding help to break up the scale and mass of the proposal. Additionally, the existing trees around the periphery of the site will help to screen the proposal.

## **Amenity Considerations**

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.

It is considered that the development of the site for student accommodation within an existing college campus area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the residents of Windsor Hall and other residential dwellings within the locality. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring student accommodation block (Windsor Hall) is located to the north of the application site. It is noted that there is an intervening road separating these two sites and a large grassed area. According to the Councils SPD states as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation and a side elevation and the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. According to the submitted plans there is a distance of approximately 50m separating the application from the front elevation of Windsor Hall on the opposite side of the access road. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of this property and the proposal accords with Policy BE.1 (Amenity).

The impact upon the residential amenity of nearby residential properties is also a consideration in particular the properties located on Cinder Lane and Holly Bank Farm which are located to the north west of the application site and properties to the south of the application site on Millstone Lane. It is considered that the proposed development will have a marginal impact on the residential amenities of the neighbouring there is a distance in excess of 500m separating the application site from Holly Bank Cottage, 750m from the nearest property on Cinderhill Lane and 600m from the properties on Millstone Lane. Overall, it is considered given the separation distances and intervening vegetation will help to mitigate any negative externalities caused by the proposed development.

## **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

The site comprises of a small area of woodland abutting Wettenhall Lane extending eastward and northwards into more formal grounds which contain various individual specimen trees, groups of trees and shrubs. The southern boundary is furnished with dense plantings of predominantly immature trees of various species and overgrown ornamental shrubs providing

modest screening to the adjacent site. Much of the centre woodland area has recently been felled with a partially dismantled Beech which remains standing. A prominent woodland edge group of mature Beech, Ash and has been retained along the Wettenhall Lane frontage, together with an isolated ( and now exposed) Scots Pine (Tree 18) and a group of two fine mature Scots Pine (Trees 19 and 20) within the central western section of the woodland.

The position of the proposed Student Block takes advantage of the area where trees have recently been felled and will also require the removal of other mature trees including the two aforementioned mature Scots Pine (Trees 19 and 20), the now exposed Scots Pine and other various individual ornamental plantings within the eastern section of the site, some of which are in relatively poor condition or have a limited contribution to the wider amenity of the area.

The application is supported by a Tree Survey and Management Recommendations (provided by ACS consulting) but does not follow the recognised requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction which sets out the principles and procedures for integrating trees within development. The survey is essentially a condition survey on trees and therefore should provide the basis for a more detailed survey on their contribution to the wider amenity and landscape of the area and how they might inform the layout design.

As the tree survey does not provide any detail on the position of the development in relation to trees shown for retention, it is difficult to ascertain the overall impact of the development upon their rooting environment and their long term useful life expectancy. The recent felling has exposed the crowns of the group of Lime, Ash and Beech along the Wettenhall Lane frontage and it is evident that the crown of one Beech is now partially exposed and that an adjacent Lime and an Ash are showing signs of reduced vitality in the upper canopy. It therefore remains to be seen whether the integrity of this group will remain intact in the longer term post development.

The position of Blocks 1 and 2 to this group of trees has been measured from the plan and is about 10 metres to the closest tree. Taking into account the stem diameters of the retained trees, the position of the new build appears to comply with the current BS5837:2012 in terms of the minimum distances required for root protection areas (RPAs). The question still remains as to the massing and scale of the development particularly towards Wettenhall Lane and potential future pressures for pruning and felling of these trees as a consequence of their relationship to the building.

The applicant's agent has been informed of the standing advice from the Councils Landscape Officer and he is going to provide an updated tree survey to ascertain the overall impact of the development upon their rooting environment and their long term useful life expectancy. At the time of writing this report this survey is still outstanding and when it has been received, Members will be updated accordingly in the update report.

### **Highways**

The access to the proposed student accommodation block would be via the existing access off Wettenall Road. A new access will be created into the application site off the internal spine road. It is considered that there is sufficient space within the site for vehicles to manoeuvre so that they access/egress the site in a forward gear.

According to the submitted plans, the proposed development would create 150 one bed apartments for student accommodation with a total of 11 (5 of which will be disabled) off-street car parking spaces. The maximum car parking standards contained in Appendix 8.1 of the Local Plan identify that Use Class C2 (Residential Institutions) requires one car parking for every three beds. This would give a maximum requirement of 50 spaces to serve the development. Whilst it is acknowledged that the proposed development would provide less than a quarter of the required parking requirement, there are additional car parks within the campus which could be used by students and there is spare capacity. Furthermore, the applicant is proposing a cycle shelter, which could be utilised by students and will provide a sustainable mode of transport and applicant is willing to update their Travel Plan.

Within the objections received from local residents concerns have been raised relating to the possible highway safety implications which may arise from the proposed development. The issues raised largely relate to the increased congestion in the area as more students will be accessing the site and this may have a detrimental impact on highway safety. As previously stated the application site is accessed directly off Wettenhall Road. The highway is wide enough for two vehicles to pass with relative ease, although there are no footpaths along the carriageway. It is noted that Wettenhall Road is a national speed road (60mph and not 70mph as stated in the letters of objection) and is twisty, particularly at the site entrance. Whilst the concerns of local residents are duly noted, in light of the above and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained. It is considered that the proposal complies with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved. Furthermore, colleagues in United Utilities have been consulted and raised no objection. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Sustainability of the site**

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the

delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes onto enunciate that

*'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*. (paragraph 34).

The site would be sited in a sustainable location alongside the existing student accommodation for Reaseheath College. The site would have easy access to the college, a shop and food outlets. Furthermore, the college is within walking distance of Sainsburys supermarket and Nantwich town centre. A condition relating to secured, covered cycle provision should be attached to any approval. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plan stating:

*'All developments which generate significant amounts of movement should be required to provide a travel plan'* (Para 36).

Overall, it is considered that the site is in a sustainable location and the proposal is in accordance with Policy BE.3 (Access and Parking) and advice advocated within the National Planning Policy Framework.

## **Ecology**

The applicant has submitted a protected species survey to accompany their application and it identified that Great Crested Newts and roosting Bats as being potential ecological constraints on the proposed development. The submitted report recommends that further detailed surveys are undertaken for these species. The Councils Ecologist has been consulted regarding the application and he confirms that in the absence of the detailed surveys for these species it is advise that the Council does not have sufficient information to determine this application in accordance with its statutory and policy obligations and as such the proposal is contrary to advice advocated within policy NE.9 (Protected Species) and the National Planning Policy Framework.

However, the applicant's agent has been informed of the standing advice from the Councils ecologist and he is going to provide an updated survey to ascertain whether any protected species will be affected by the proposal. At the time of writing this report these surveys were still outstanding and when they have been received, their comments will be referred to in the update report.

## **Other Matters**

The Highways Officer has requested that a commuted sum payment of £50,000 is provided to upgrade and maintain cycle ways in the locality. However, it is noted that the student accommodation block will be located wholly within the college campus and there will be no significant detrimental impact on highway safety or congestion in the locality. Furthermore, there is already a cycle path through the college and there are existing cycle ways in the area. Therefore, it is considered unreasonable to request this commuted payment as it would not satisfy the appropriate tests.

Within the letters of objection it has been raised that the public consultation process on behalf of the Council has not been carried out. The application consultation process was dealt with in line with the Council's Publicity and Neighbour Notification procedure. This procedure is derived from the General Development Procedure Order 1995 (as amended) and Circular 15/92 – Publicity for Planning Applications, which outlines the statutory procedures for any applications for development. In this instance the proposed development is considered to be a major development and the procedure requires that all neighbours which adjoin the development be consulted by letter (the objectors which live on Cinderhill Lane are located approximately ½ mile away from the application site and as such will not be notified by letter, as they do not adjoin the site). However, site notices were posted and an advertisement displayed within the local newspaper. Additionally, following the receipt of amended plans an additional site notice was displayed and the Parish Council was re-consulted. It is considered that the Council has conducted a proper consultation exercise.

Unfortunately, the planning system is not here to duplicate other legislation, for example, issues to do with drug dealing and other forms of anti social behaviour can be dealt with by Police, loud music being played and fly tipping can both be addressed via Environmental Health. The relevant material considerations with regards to this application have been fully addressed in the above report.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and that it would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

### **Approve subject to the following conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**

- 5. Drainage
- 6. Cycle Shelters
- 7. Landscaping Submitted
- 8. Landscaping Implemented
- 9. Car Parking
- 10. Travel Plan
- 11. Roof Cowls
- 12. Tree Protection Measures
- 13. Lighting Scheme to be Submitted and Approved
- 14. Hours of Construction

Monday to Friday	08:00 to 18:00 Hours
Saturdays	09:00 to 14:00 Hours
Sundays and Public Holidays	Nil

15. Pile Foundations

Monday to Friday	08:30 to 17:30 Hours
Saturday	08:30 to 13:00 Hours
Sundays and Public Holidays	Nil

16. Floor Floating

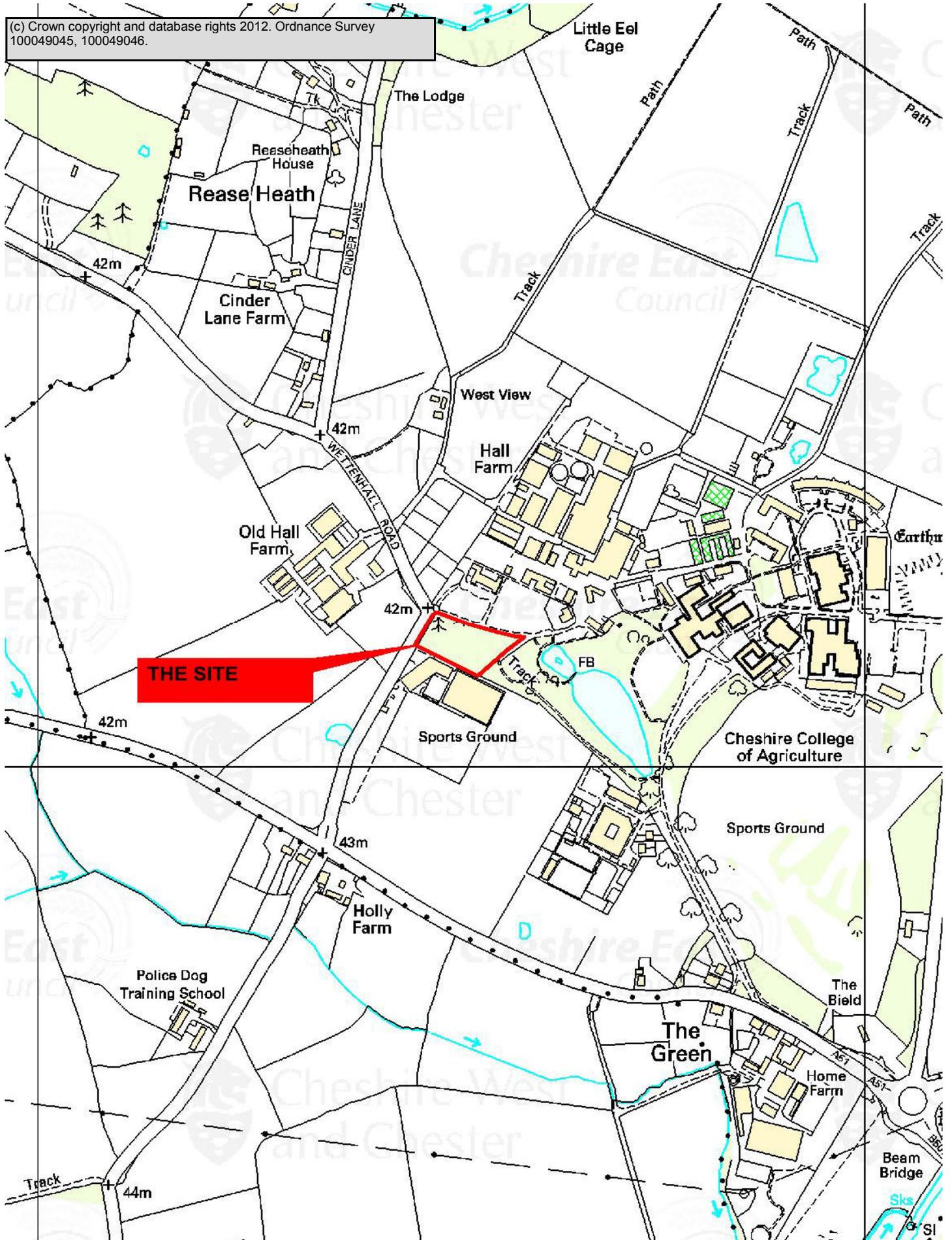
Monday to Friday	07:30 to 20:00 Hours
Saturday	07:30 to 13:00 Hours
Sundays and Public Holidays	Nil

17. Dust Control – in order to minimise dust arising from demolition/construction activities a scheme shall be submitted and approved

18. Features for Breeding Birds

19. No Development within the Bird Breeding Season

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Application No: 12/1346N

Location: MAGPIE HOUSE, 57, EARLE STREET, CREWE, CW1 2AS

Proposal: Change of Use from A2 Office and Subdivision to Form 18 Bed-Sitting Rooms

Applicant: Mr K Vickers, Crimewatch Securities

Expiry Date: 10-Jul-2012

**SUMMARY RECOMMENDATION:**

**APPROVE** subject to conditions and a S106 Agreement

**Main issues:**

- Principle of development
- The impact of the design
- The impact upon amenity
- The impact upon highway safety and parking

**REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it is a major development. At the Southern Planning Committee meeting held on 27<sup>th</sup> June 2012, members resolved to defer this application in order to undertake a site visit and to ascertain further information regarding bin storage capacity, revised S106 contributions and fire escapes.

**DESCRIPTION OF SITE AND CONTEXT**

The application property is a detached two-storey Victorian property located on the corner of Earle Street and Mirrion Street within the Crewe Settlement Zone Line.

This unit has an open brick finish, white painted wooden sash windows, arched lintels, stone cills, blue painted rainwater goods and a hipped slate roof. The premises also benefits from a car park to the rear which is accessed via Mirrion Street.

**DETAILS OF PROPOSAL**

Revised plans have been submitted for the change the use of the unit from a security business (A2 use) to a House in Multiple Occupation (HMO), consisting of 18 en-suite bedrooms. The only external alteration proposed is the insertion of a first floor window on the eastern elevation.

## RELEVANT HISTORY

**7/11809** – Computer business comprising retail and offices – Approved 28<sup>th</sup> February 1985

**7/09388** – Illuminated adverts – Approved 16<sup>th</sup> September 1982

**7/09287** - Ill Logo Sign – Refused 19<sup>th</sup> August 1982

**7/08964** - COU of premises to become Health and Fitness Club and car parking – Approved 29<sup>th</sup> April 1982

**7/07363** – COU to social club – Refused 30<sup>th</sup> October 1980

**7/05963** – COU from school to dancing school – Approved 1<sup>st</sup> November 1979

## POLICIES

### National policy

National Planning Policy Framework (NPPF)

### Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

TRAN9 – Car parking standards

## CONSULTATIONS (External to Planning)

**Strategic Highways Manager (20/06/2012)** – As Cheshire East operate minimum parking standards for residential developments and the proposal fails to adhere to these, Highways will support the application providing that the developer contributes a sum of £5000 towards footway and cycle way improvements at Macon Way/Earle Street Bridge

**Strategic Highways Manager (17/07/2012)** – No change in recommendation. It would follow that if the number of bedrooms is increased then the contribution should be increased. However, the difference in lack of spaces is less in the revised scheme so the impact on on-street parking would be less.

**Environmental Health (General)** – No objections, subject to conditions relating to hours of construction, submission of lighting, submission of acoustic enclosures, submission of details showing windows on the principal elevation to be non-opening, submission of ventilation equipment details, submission of upgrade in glazing on principal elevation and submission of air exchange system & it being acoustically attenuated.

**Waste Collection Team (Cheshire East Council)** – For a development such as this, 4 x 1280 litre containers would be required. 2 for landfill waste and 2 for recycled waste. These containers measure approximately 1.2 metres in width, 1 metre in depth and 1.5 metres in height.

**Housing (Cheshire East Council)** – No objections, but do provide room size standards for the Officer's consideration

## **VIEWS OF THE PARISH/TOWN COUNCIL**

N/A

## **OTHER REPRESENTATIONS**

6 neighbouring properties have objected to the proposal. The relevant main areas of concern relate to;

- Highway safety / parking issues
- Environmental Health Issues – Air quality, bins, hazardous building materials, rodents

A number of other concerns have also been raised but these are not material considerations in relation to the determination of this application.

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Air Quality Assessment  
Road Traffic Noise Assessment

## **OFFICER APPRAISAL**

### **Principal of Development**

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. RES.9 of the Local Plan refers to houses in multiple occupation. Policy RES.9 advises that planning permission will be granted provided that;

- the building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with Policies BE.1 and BE.2;
- the proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;
- the development does not detract significantly from neighbouring amenities and;
- provision is made for adequate parking.

As such, the determination of the proposal depends on the adherence with these requirements.

### **Building is large enough for conversion and would not require extensions**

The building in question is a two-storey, detached unit which has a floor space of approximately 554 metres squared (excluding bay windows). It is proposed to convert this property into an 18-bedroom unit with en-suites and shared kitchen facilities. The smallest of these rooms would be approximately 11.75 metres squared and the largest would be approximately 22.68 metres squared. Housing have provided a spacing standards document which details recommended minimum room size standards. This document states that the

minimum size of a one-bed room deemed to be acceptable is 10 metres squared, a standard which the smallest of the proposed rooms would adhere to.

A communal kitchen would be provided on each floor and the development would also include a common room, a store room and a utility room.

It is considered that the building is large enough to accommodate the proposal without the need for extensions. No extensions are proposed as part of the development.

### Design

The only external change proposed to the unit is the insertion of a first-floor window on the eastern gabled elevation. Given this limited level of development and because this window would respect the design of the existing windows, the proposed external changes are deemed to be acceptable.

### Amenity

As the building is already in situ, there are no additional issues created with regards to loss of light or visual intrusion.

With regards to loss of privacy, the only neighbouring residential property that could be directly impacted is No.55 Earle Street which borders the application site to the west. Separating the application unit and this neighbouring property is a lawn to the front of Magpie House which lies parallel to the side of the main body of the house. Separating the two units to the rear is a wall approximately 2 metres tall.

On the relevant side elevation of this neighbouring property there are 3 openings, 1 at first floor level and 2 at ground floor level. The first floor window is obscurely glazed. At ground floor level, one opening serves a doorway whereas the other serves a principal room. All of these openings are located on a two-storey outrigger to the rear of the property.

On the relevant side elevation of the existing application property, there are 5 openings facing in the direction of this neighbouring property. 3 of these openings face directly onto the blank gable elevation of this neighbouring property therefore would not create any loss of privacy. 2 of the other windows, (1 at ground-floor level serving an en-suite to bedroom 1 and one at first floor serving as a secondary window to bedroom 11), would directly face the neighbouring windows. In order to protect the amenity of this neighbour, it is proposed that both of these windows be obscurely glazed should the application be approved. In addition to these existing openings, an additional first floor window is proposed as part of the development on this elevation that would serve bedroom 12. Again, in the interests of protecting neighbouring amenity, it is proposed that this window also be obscurely glazed.

In terms of private amenity space, a 59 metre squared area is proposed to the front/side of the site which is designated as an amenity space. Although this is not significant, given that the development is for a house in multiple occupation and is within close proximity of the town centre and all of its associated public space it is considered to be acceptable in this instance.

In response to the Environmental Health concerns raised by neighbouring residents, the Council's Environmental Health department originally advised that they would have no objections subject to a number of conditions. These include an hours of construction condition, the prior submission of any proposed lighting, the prior submission and approval of a road traffic noise assessment and air quality assessment and the approval of a scheme of acoustic enclosures.

Since the receipt of these comments, further information has been received by the Council, namely a road traffic noise assessment and an air quality assessment report. Environmental Health have subsequently advised that they would have no objections with the proposal subject to a number of subsequent noise and air quality related conditions being implemented which stemmed from these reports.

As a result, once conditioned, it is considered that the proposal would adhere with the amenity aspect of the development.

### Parking and Highway Safety

The impact upon parking and highway safety is the main concern of local residents. The proposed development would include a car park to accommodate 16 cars (including x2 disabled spaces).

The site is within the town centre and therefore represents a sustainable location for such development. In these locations, parking standards can be relaxed as other forms of transport are readily available to occupiers. However, in this instance the scheme achieves less than 100% parking. Highways Officers will support the application given providing that the developer contributes a sum of £5000 towards footway and cycle way improvements at Macon Way/Earle Street Bridge. As such, the application would be acceptable subject to the completion of a S106 Agreement.

### **Other matters**

With regards to the proposed bin storage, the Council's Waste Collection Team have advised that 4 x 1280 litre bins would be required for a development such as this with 18 bedrooms. This would include x2 for landfill waste and x2 for recycled waste. Each of these bins would measure approximately 1.2 metres in width, 1 metre in depth and 1.5 metres in height. As such, a communal bin store of at least 2.5 metres in depth by 3 metres in width would be required to comfortably house these receptacles. The communal bin store proposed measures approximately 5 metres in depth by 3.2 metres in width and as such, is more than adequate for the required bins.

The Cheshire East Council Building Control Officer dealing with this application has not provided comments at the time of this report regarding the fire escape and safety aspect of the proposal. These comments will be included as an update.

### **NPPF**

Amongst the core principles of the NPPF is that planning should proactively support sustainable economic development, be of good design, provide a good standard of amenity and support the transition to a low carbon future.

Given that it is considered that this application sufficiently demonstrates that the above assessments have been made, it is deemed that the NPPF falls in line with the relevant Local Plan policies in this instance.

### **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development. It is directly related to the development and is fair and reasonable. On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

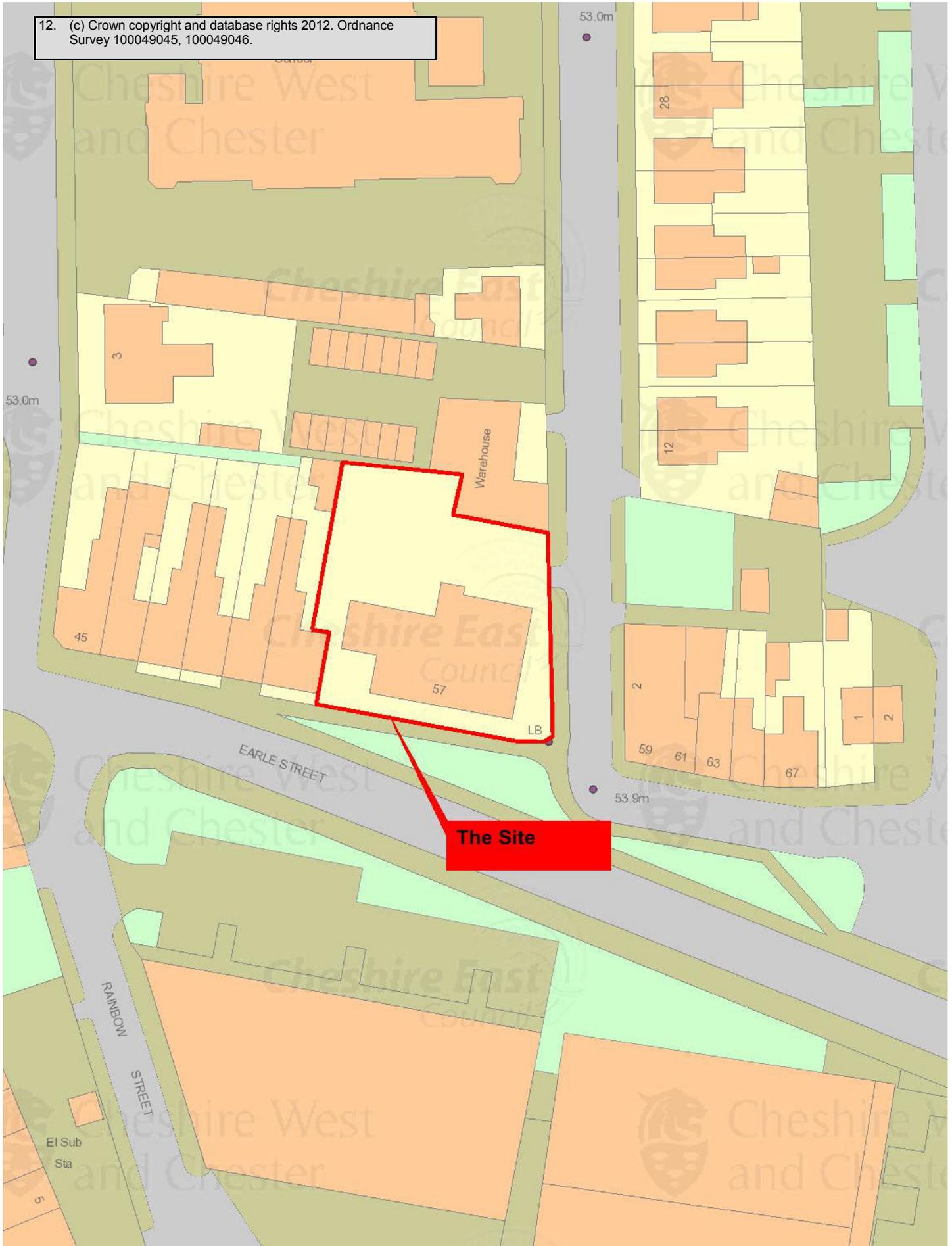
### **CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed change of use is located within the Crewe settlement boundary and would only involve a minor external alteration to the unit. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions and a Section 106 Agreement to secure £5,000 towards footway/cycle improvements at Macon Way/Earle Street Bridge.

1. **Standard (Time)**
2. **Plans**
3. **Materials as per application**
4. **Hours of construction**
5. **Lighting to be approved**
6. **Scheme of acoustic enclosures**
7. **Obscure glazing (x3)**
8. **Submission of details showing that all windows on principal elevation (Earle Street) shall be non-opening (other than Building Regulation requirements)**
9. **Submission of ventilation equipment details**
10. **Prior submission of a plan showing the upgrade of the existing glazing for sound proofing purposes to achieve 30dBA from bedrooms**
11. **Prior submission of details of the air exchange system showing it to be acoustically attenuated**



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Application No: 12/1836N

Location: HIGHER ELMS FARM, CROSS LANE, MINSHULL VERNON, CW1 4RG

Proposal: Proposed Farm Complex Consisting of Steel Portal Framed Buildings for Housing and Milking of Livestock, Earth Banked Slurry Store and Earth Banned Silage Clamp

Applicant: Mr Charlesworth

Expiry Date: 10-Aug-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Need for the Buildings/Structures;
- Impact upon the Greenbelt;
- Impact upon the ASCV;
- Need for the Lagoon;
- Design;
- Residential Amenity;
- Drainage;
- Flood Prevention;
- Highways;
- Ecology; and
- Landscape

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the buildings/structures exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal

**DESCRIPTION OF SITE AND CONTEXT**

Lower Elms Farm is an operational dairy farm and is set back from the main road by a distance of approximately 500m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a slate roof, which is located to the south of an existing farm complex which contains a number of structures. Additionally, located to the south of Lower Elms Farm by a distance of approximately 280m is Higher Elms Farm, which is also owned and operated by the applicant.

The application site is located on the edge of the farm complex in a corner of the field, which is enclosed by mature native hedgerows to the south and west and the river Weaver to the north. There are a few residential properties located at sporadic points along the local highway network. The application site is located wholly within the Green Belt and in the ASCV.

## **DETAILS OF PROPOSAL**

This is a full application for a proposed farm complex consisting of steel portal framed buildings for housing and milking livestock, earth bank slurry store and earth banked silage clamp at land adjacent to Lower Elms Farm, Cross Lane, Minshull Vernon.

## **RELEVANT HISTORY**

10/3395N – Milking Parlour (GPD0) – Refused – 28<sup>th</sup> September 2010  
P95/0470 - Agricultural Workers Dwelling – Approved – 28<sup>th</sup> July 1995  
P94/0052 – Agricultural Building (GPD0 Determination) – Refused – 10<sup>th</sup> February 1994  
7/03014 – 600mm Diameter Water Main Spanning Between Bridge Abutments – Approved – 3<sup>rd</sup> August 1977

## **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)
NE.1	(Development in the Green Belt)
NE.3	(Areas of Special County Value)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
NE.14	(Agricultural Buildings Requiring Planning Permission)
NE.20	(Flood Prevention)
TRAN.9	(Car Parking Standards)

## **CONSIDERATIONS (External to Planning)**

**Environmental Health:** No objection subject to the following Informative

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

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

**British Waterways:** 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

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of agricultural buildings that are essential to the agricultural practice is acceptable in the Green Belt and accords with Policy NE.1 (Development within the Green Belt). There is general policy support for agricultural development within the open countryside and paragraph 28 of the National Planning Policy Framework states that local planning authorities should:

*'promote the development and diversification of agricultural and other land-based rural businesses'.*

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

These policies aim to protect the openness of the Green Belt and safeguard it from inappropriate forms of development and ensure that the design of the new buildings is sympathetic to the existing agricultural character of the site, surrounding landscape and the

wider area by virtue of being appropriate in form and scale and utilising sympathetic building materials. They also seek to ensure that neighbouring amenity nor highway safety is adversely affected.

### **Need for the Buildings/Structures**

Higher Elms Farm is located to the north east of the village of Church Minshull, and is accessed via a tarmac/stoned farm track off Cross Lane. The applicant claims in their Design and Access Statement that 'the existing farm site has been investigated to accommodate the proposed expansion, but due to the difficult topography, it has been deemed unfeasible'. If the development was to occur at Higher Elms Farm, it would necessitate considerable earth movements.

The proposed expansion site has therefore been relocated approximately 350m to the north west (as the crow flies) to Lower Elms Farm, which is currently considered (by the applicant) to be ancillary to the main farming operations, which currently take place at Higher Elms Farm. The current application site has been chosen as the existing topography is less undulating and will not require as much earth movements. Furthermore, the proposed buildings/structures will not appear detached or isolated as they will be seen against the backdrop of the existing farm complex.

### **Impact upon the Greenbelt**

The application site is located wholly within the Green Belt and according to Policy NE.1 (Development in the Green Belt) states approval will not be given for inappropriate development, except in very special circumstances. The construction of new buildings in the Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and other uses of land which preserve the openness of the Greenbelt;
- Limited extension, alteration or replacement of existing dwellings.

It is considered that the proposed buildings/structures are essential for the continued operational requirements of the farming business. The buildings/structures would be of a typical vernacular for a farm building and would be of a similar height and design as other buildings within the locality and across the Borough. Whilst relatively prominent in the Green Belt on the edge of the farm holding, nevertheless the buildings would be 'read' in the context of the other surrounding buildings, many of which are of a similar height. Overall the size, siting and design of the buildings would be acceptable in Green Belt terms and in terms of the criteria laid out in policy NE.1 (Development in the Greenbelt).

### **ASCV**

Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further. It is considered that whilst the buildings/structures will appear quite prominent, they are of a traditional agricultural vernacular and as such will blend into the background and will not appear as alien or

incongruous features having a detrimental impact on the ASCV. It is considered that the proposal complies with policy NE.3 (Areas of Special County Value).

## **Lagoon**

### *Need for the Proposal*

According to the applicants Design and Access Statement recent NVZ (Nitrate Vulnerable Zone) regulations come into force on the 1st January 2012 requiring livestock farms to ensure they have five months storage capacity for slurry and dirty water produced on the holding. Currently, Higher Elms Farm has insufficient storage to meet these regulations and as a result the business needs to construct the new lagoon in order to meet the legislation.

## **Design**

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed location of the slurry lagoon is situated to the west of the existing Farmstead. The proposed lagoon is rectangular in form and measures approximately 70m wide by 75m long (which equates to an area of 5250msq) and will be 4.35m deep (as measured from the base of lagoon to the top of the earth bund excluding the 1.8m high perimeter fence). The slurry lagoon will be excavated in the field. The agent has confirmed that the soil in the locality contains a high clay content, which will be used to line the base and banks of the lagoon, in order to prevent any leakage. The banks of the lagoon will be at a 1 in 2 gradient and on top of the bank will be a 1.8m high fence. The site is located within an undeveloped field in close proximity to the existing Lower Elms Farm which comprises 2 storey detached farmhouse and other modern portal frame and traditional buildings, which are in a relatively dilapidated condition. The application site is bounded on the north elevation by mature native hedgerows, the proposed livestock shed to the east and open fields to the west and south of the application site.

According to the Design and Access Statement this location for the slurry lagoon has been chosen for a number of reasons. The position of the new lagoon has been sited adjacent to the existing cow sheds and farm buildings. The lagoon will be located immediately to the west of the proposed livestock building, which will help to consolidate the built form. Furthermore, the soil at this location has a high clay content, which will help to prevent leakage. Finally, the application site is well screened by mature native hedgerows located to the north and existing built development to the east. Whilst the lagoon may be visible from farmyard, this type of structure is expected within a farm complex. In order to assimilate the proposal into the local environment conditions relating to boundary treatment, surfacing materials and landscaping will be attached to the decision notice.

### *Cattle Building*

The proposed agricultural building will be located adjacent to existing farm buildings. The proposed cow shed is rectangular in footprint terms and will measure approximately 76.5m long by 27m wide which equates to a floor area of approximately 2065.5msq. The building and the periphery of it will be located on hardstanding. The cattle shed will measure approximately 4m high to the eaves and 8m high to the ridge. The building will be erected wholly on grassland.

It is considered that the proposed building is appropriately scaled and designed for its purpose, and would be in keeping with the adjacent agricultural buildings and the rural setting. The building is of typical construction and comprises a steel portal frame clad on the roof with fibre cement roofing sheets. The gable and side elevations will be constructed out of concrete panels to a height of 1.5m and the rest will be open faced, apart from a small section which will be clad PVC coated steel sheets. In addition, there will be four gates (on either end of the building) in order to give access to feed and muck passages. According to the submitted plans the building will incorporate 100 no. cubicles open yards and there will be 52 roof lights in each roof plane (104 in total).

Given the location, use of the building, and the surrounding nature and use of the land the proposal will not appear would it appear as an alien feature. There is sufficient space within the site to accommodate this development. The case officer considers that the proposed building relates well to its surroundings. There are therefore no objections to the proposal on design grounds.

#### *Milking Parlour*

The proposed milking parlour is located immediately to the south of the cattle building and is linked to the adjoining cattle shed by a passageway. The proposed milking parlour has a rectangular footprint and measures approximately 35m deep (at the widest point) by 84m long, which equates to a floor area of approximately 2940msq. The milking parlour will measure approximately 5m high to the eaves and 8m high to the ridge. It is noted that the ridge height is similar to the height of the cattle shed and it is considered the variations in scale and mass of the buildings, will help to break them up and appear less uniform. The building will be erected wholly on grassland.

The building is of typical construction comprising a steel portal frame structure under a fibre cement roof. The south west and south east elevation will be constructed out of concrete panels to a height of 1.8m and PVC coated box profile sheeting located above the concrete panels. Located on the south east elevation are two personnel doors and 3 no. windows (1no. at first floor level). The remaining elevations are open faced. Internally the building will comprise a collecting yard, straw bedded area, loafing area, milking parlour, cubicles, holding pens, tank room, toilet, chemical store, office, general store, plant room, plant wash room and medical storage room.

The proposed siting and design of the building is considered appropriate and in accordance with guidance advocated within the National Planning Policy Framework. The development will be assessed against Policy BE.2 (Design Standards) which states that proposals should achieve a high standard of design and respect the pattern, character and form of the surroundings. The building relates well to the existing cluster of buildings within the landscape and would therefore not appear as an alien or divorced feature within the open countryside.

The milking parlour would be viewed against the backdrop of the existing agricultural complex on one side and existing hedgerow, which is punctuated at sporadic intervals with mature trees/shrubs and these, will help to screen the proposal. The surrounding buildings will satisfactorily mitigate against visual intrusion into the open countryside. The scale and design of the building is acceptable and characteristic of agricultural buildings in the vicinity and as such would not be harmful to the quality and character of the setting. The proposal therefore, with regard to siting, scale and design would have no further significant impact on the character and appearance of the surrounding Green Belt.

### *Silage Clamp*

The proposed 1no. triple bay silage clamp will be located to the north of the proposed cow shed and will measure approximately 36m wide by 36m long which equates to an area of approximately 1296msq. The silage clamp will be un-roofed and will be excavated in a field. The agent confirmed that the soil in the area has a high clay content and the base of the clamp will be lined in concrete, which will help to prevent any spillage or leakage. The banks of the silage clamp will be at a 45 degree gradient. The silage clamp is flanked on both sides by existing hedgerow.

Policy NE.14 (Agricultural Buildings Requiring Planning Permission) requires that development should be required for/or ancillary to agricultural development and also essential for the operation to comply with current environmental and welfare legislation. The proposed open silage clamp is development which is required for the agricultural development.

### **Residential Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential property which may be affected by the proposal is in excess of 500m away. Therefore, it is considered given the separation distance, undulating nature of the land and intervening hedgerows and trees will help to mitigate any negative externalities caused by the proposals.

Whilst there is also a farmhouse associated with the farm complex in close proximity to the cow sheds and other structures, as this is occupied in connection with the existing farm complex any impact on the amenities of this property is within the occupant's control. Furthermore, the Councils Environmental Health Department has been consulted and they have raised no objection to the proposal. It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. The National Planning Policy Framework states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

### **Flood Prevention**

According to the submitted plans the river Weaver is located to the north of the application site. Therefore, any development will need to be assessed against Policy NE.20 (Flood Prevention) which states that proposals for new development including the raising of land, in the indicative flood plain as shown on the proposals map, will only be permitted where:

- The proposal is supported by a flood risk assessment with appropriate flood prevention and mitigation measures;
- The proposal would not result in extensive and unacceptable culverting;
- The proposal would not create or exacerbate flooding elsewhere; and
- It does not adversely affect the integrity of, or prevent access for maintenance purposes to, a water course or underground services.

The Environment Agency's Flood Risk Map identifies that the site lies wholly outside the floodplain. Therefore, it is considered that the proposal is in accordance with policy NE.20 (Flood Prevention).

### **Highways**

According to the submitted plans the applicant is proposing on constructing a new access road, which will branch off the existing road. The applicant claims that the existing road only serves Lower Elm Farm and there is insufficient space for vehicles to manoeuvre. The new access road is relatively short measuring approximately 160m long. It will be prudent to attach a condition relating to surfacing materials. According to the applicants application forms there will be 4 no. additional vehicles accessing the site. Overall, it is considered that the proposal will generate negligible amounts of additional traffic and the proposal is in accordance with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

### **Ecology**

There are numerous ponds and other water bodies within the locality of the application site and it is possible that Great Crested Newts and Lesser Silver Water Beetles which are both protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) may be affected by the proposal. However, the Cheshire East Ecologist has viewed the submitted plans and accompanying supporting information and concludes that he does not anticipate the proposal having any adverse ecological impacts associated with the proposed development. Consequently, the proposed development accords with policy NE.9 (Protected Species).

## **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. The application site is bounded on various elevations by mature native hedgerows, which are punctuated at sporadic intervals with mature trees/shrubs. According to the submitted plans the applicant is proposing on removing approximately 50m of hedgerow to serve the silage clamp and a further 6m of hedgerow to serve the new access road. It is considered prudent to attach conditions relating to landscaping to help stock up the existing hedgerows. Overall, it is considered that the proposal is in accordance with policy NE.5 (Nature Conservation and Habitats).

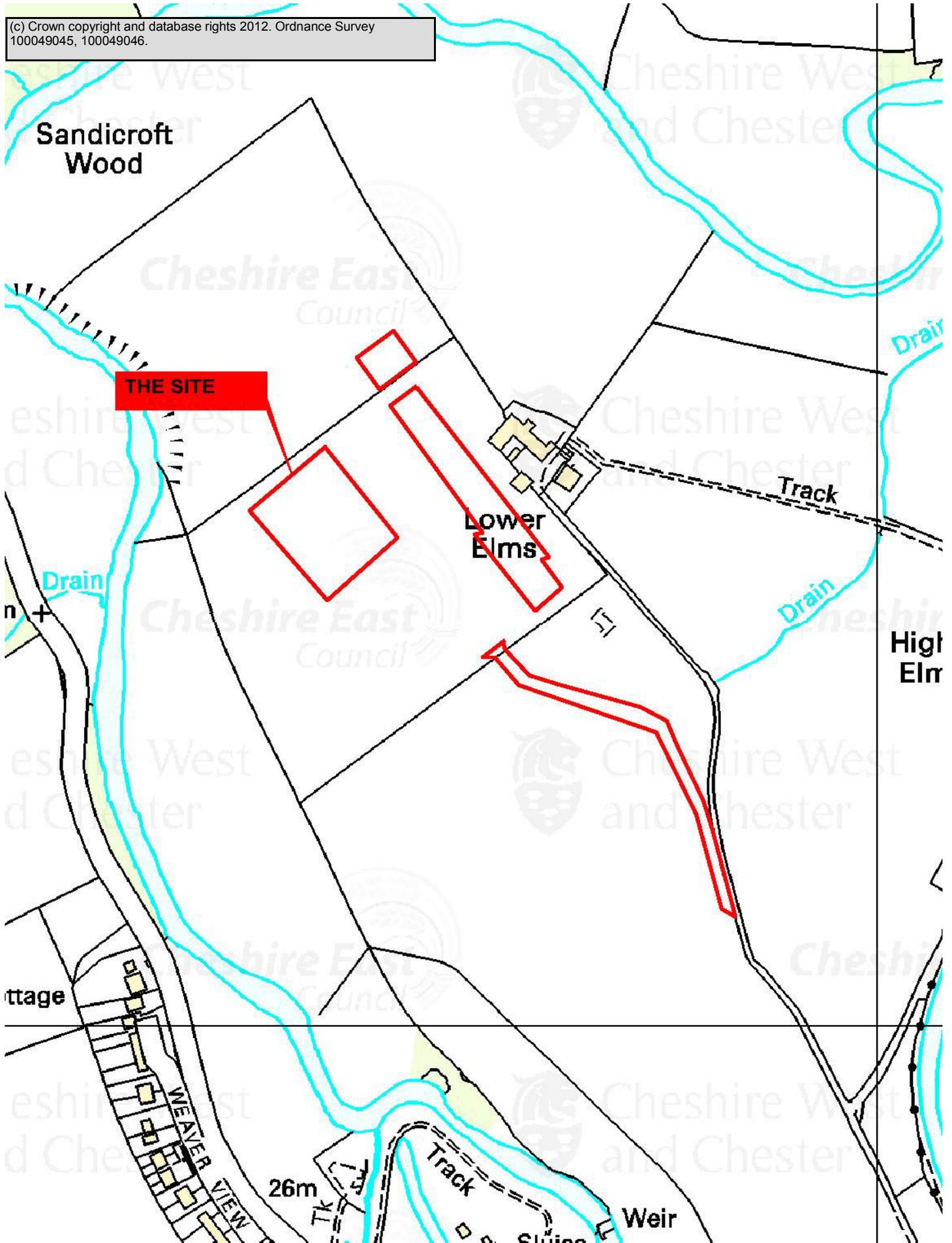
## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The siting of the cow shed, milking parlour and other structures will not have a detrimental impact upon the character, appearance and openness of the Green belt or the surrounding open countryside as the buildings/structures relates to the existing farm complex and it does not appear as alien or divorced features. Furthermore, the proposed development will not have any adverse impact upon the amenities of existing and future residential occupiers in the nearby vicinity, highway safety or any protected species. The development is considered to comply with policies NE.1 (Development in the Greenbelt), NE.3 (Areas of Special County Value), NE.9 (Protected Species) and NE.14 (Agricultural Buildings Requiring Planning Permission) and Policies BE.1-3 (Amenity, Design Standards and Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plans**
- 3. Materials**
- 4. Drainage**
- 5. No Additional External Lighting**
- 6. Landscaping Submitted**
- 7. Landscaping Implemented**
- 8. Boundary Treatment**
- 9. Surfacing Materials**

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Application No: 12/1862N

Location: Stewart Street Motors, STEWART STREET, CREWE, CW2 7RW

Proposal: Removal of Existing Second Hand Car Sales Site, Building and the Erection of 7no. One Bedroomed and 7no. Two Bedroomed Flats in a Three-Storey Block

Applicant: Stewart Street Motors

Expiry Date: 13-Aug-2012

**SUMMARY RECOMMENDATION - Refuse****MAIN ISSUES**

- The principle of the development
- The loss of the employment site
- Residential amenity
- Design
- Highway matters
- Flood risk
- Ecology
- Contaminated Land

**1. REASON FOR REFERRAL**

This proposal has been referred to the Southern Planning Committee as it is a major application of 14no. residential units.

**2. DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Crewe town settlement boundary on the corner of Stewart Street and Collins Street, Crewe. The existing use of the site is a used car dealership with a small Portakabin style office to the rear of the site. The site backs onto the Valley Brook on Stewart Street.

**3. DETAILS OF PROPOSAL**

This is a full planning application for the provision of 14no. residential units in a three-storey apartment block. The proposal seeks permission for 7no. one-bedroom apartments and 7no. two-bedroom apartments. The proposed block will form an 'L' shape turning the corner of Stewart Street and Collins Street. Vehicle access will be achieved off Collins Street, with the parking positioned to the rear of the site.

The amended plans received on the 27<sup>th</sup> July 2012, show the building positioned closer to the highway, with some amenity space to the rear contained within an overhang veranda style design. The proposal includes 22 parking spaces.

#### **4. RELEVANT HISTORY**

P08/0417 – Residential Development comprising 14 units (resubmission) – Refused 23<sup>rd</sup> June 2008. *Refused for insufficient information on flood risk.*

P07/1663 – Residential Development comprising 14 units – Withdrawn 4<sup>th</sup> March 2008

P97/1016 – Erection of boundary railings – Approved with conditions 4<sup>th</sup> February 1998

7/03542 – 2 non illuminated fascia signs and 1no illuminated s/s box signs – Approved with conditions 26<sup>th</sup> January 1978

#### **5. POLICIES**

##### **National Planning Policy**

National Planning Policy Framework

##### **Regional Spatial Strategy (NW)**

Policy DP7 Promote Environmental Quality  
L4 Regional Housing Provision

##### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

RES.2 (Unallocated Housing Sites)  
RES. 3 (Housing Densities)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
TRAN.9 (Car Parking Standards)  
E.7 (Existing Employment Site)

##### **Other Material Considerations**

Cheshire East – Interim Planning Statement on Affordable Housing (2011)

#### **6. CONSULTATIONS (External to Planning)**

##### **Highways [19/07/2012];**

The main highway issue is the amount of parking being provided for the development, our emerging minimum parking standards would require 200% parking for all houses. However, a

relaxation would be made to provide only one space for the 1 bed units but even with this reduced standard they are 6 spaces short and no spaces are provided for visitors. There is very little on-street parking available in the vicinity of the site given the existing waiting restrictions and what parking is available on Collins Street is needed for the terrace properties.

Therefore, I would have to **object on the grounds** that adequate parking is not provided within the site for the number of dwellings.

### **Highways [30/07/2012];**

Amended plans show better parking provision. No objections to the proposal.

### **Environmental Health (Contaminated Land) [31/05/2012]:**

This section objects to the above application with regard to contaminated land:

- The application area has a history of garage use and in addition there may be underground fuel storage tanks on site. Therefore, the land may be contaminated.
- There are potentially contaminating land uses in the close vicinity of the application site which may deleteriously impact the proposed development.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
- No information has been submitted with respect to contaminated land by the applicant.

As such, and in accordance with the NPPF, this section recommends that either the applicant submits a minimum of a desk study and site reconnaissance to demonstrate that the site is suitable for being developed for its new use or the application be **refused** on the basis of insufficient information.

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

### **Environmental Health**

Environmental Health have raised no objection to the application but request the following conditions:

(i) Restriction of hours of construction –

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

(ii) if pile driving is required, restriction of hours to –

Monday – Friday 08:30 – 17:30 hrs

Saturday 08:30 – 13:00 hrs

Sunday and Public Holidays Nil

(iii) Prior to its installation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- (iv) Noise assessment to be carried out prior to commencement of development, and details implemented prior to the first occupation of the dwelling
- (v) A scheme of acoustic enclosures of any fans, compressors or other equipment with the potential to be noisy,
- (vi) Bin storage facilities
- (vii) Building regulations approved document E in relation to the transmission of sound

**Environmental Agency:** No Objections

**United Utilities:** No Objections

## **7. VIEWS OF PARISH/TOWN COUNCIL – N/A**

**8. OTHER REPRESENTATIONS –** None received at time of writing this report

## **9. APPLICANT'S SUPPORTING INFORMATION**

- **Flood Risk and Surface Water Assessment** (carried out by Michael Lambert Associates 2008)
- **Design and Access Statement** (carried out by DC Architects)
- **PPS3 Housing Self-Assessment Checklist**

## **9. OFFICER APPRAISAL**

### **Principle of Development**

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 lies wholly within the settlement boundary of Crewe where, in principle, residential development is considered to be acceptable. National Planning Policy Framework advocates that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the

amount of greenfield land being taken for new development. The site is not regarded as greenfield and the principle of residential development is accepted.

Furthermore, the Council is unable to demonstrate a five year supply of housing as required by the NPPF and therefore the proposal will help to achieve a five year supply.

The application site is currently occupied by a car sales use that is sited in close proximity to a concentration of residential properties and therefore residential redevelopment would be compatible with the surrounding uses. However, consideration must be given to the loss of the garage as a potential employment site.

### **Loss of Employment Site**

Policy E.7 (Existing Employment Site) states that development which would cause the loss of an employment site will be permitted where the present use harms the character or amenities of the area, the site is not capable of a satisfactory use or overriding local benefits would result. The current use of the site is not considered a large employment generator, and therefore Policy E.7 is not strictly applicable to this application. This application form submitted with the application clearly states that Stewart Street Motors employs one full-time worker with a part-time assistant. It is therefore considered that the loss of a small employment site for a more compatible land use will have a positive planning benefit to the area.

### **Design**

The surrounding area comprises a mix of residential and commercial development. The housing stock in the surrounding area largely comprises of traditional two storey terrace houses which front onto the highway with rear gardens/yards. The commercial development is a mix of car sales and light industrial.

The proposed apartment block will have three storeys, with the third within the roof of the building. The block will have a maximum height (excluding the corner roof feature) of 9.4m. The proposed apartment block will have traditional lintel features around the doors and windows, and contrasting brick courses. At the corner of Stewart Street and Collins Street the apartment block will have a focal design creating an octagonal dome on the roof.

The amended site plan shows the building sited adjacent to the highway matching the build line of the adjacent terrace properties. The layout of the development provides an active frontage to Stewart Street and Collins Street, as well as creating an active frontage into the parking area of the site, allowing for natural surveillance of the site.

It is considered that the proposed design reflects the general nature of the terraced properties within the vicinity, with key design features, such as the gable projections reflecting the front elevations. The focal feature on the corner has been designed to reflect the design of the Victorian properties further up Stewart Street at the cross roads with Alton Street, the corner buildings all have a diagonal elevation facing the junction. Albeit, the corner feature of the existing buildings are not as prominent as the proposed building, it is considered that a focal feature is important on the corner and the proposed design reflects the vernacular of the surrounding streetscene.

There will be limited landscaping and boundary treatment available within the site, however it is considered that with some sensitively designed soft and hard landscaping to the front and within the site, this should help to break up the expanse of parking shown on the amended plan.

It is therefore considered that the proposal would be acceptable in design terms and would have an acceptable impact on the character and appearance of the area. The proposed development would accord with Local Plan policy BE2 (Design).

### **Amenity**

The principal windows in the south elevation of the proposed building will face the blank gable of the dwelling at 25 Stewart Street, and therefore no privacy issues are raised in respect of this dwelling. A separation distance of approximately 12m will be achieved. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this town centre location.

The north gable end of the new building faces the gable of 15 Stewart Street, which contains one first floor window and its rear garden area. A separation distance of approximately 10m will be achieved between the two properties. Whilst this is below the recognised 13.5m separation distance, it is not out of character for this town centre location. Furthermore, there are no windows proposed in the north gable and consequently there would be no concerns of overlooking. The Valley Brook sits between the two buildings and therefore it is considered that the proposal is acceptable.

The remainder of the surrounding development comprises commercial premises and open space and as a result, it is considered that adequate privacy and residential amenity will be afforded to both existing and proposed properties.

Whilst no provision for onsite private amenity space is proposed it is considered that this is acceptable in this instance as the proposal is for apartment development in an area of terraced properties. It is therefore considered that the development is therefore in accordance with policy BE1 (Amenity).

### **Flood Risk**

The previous applications on the site for residential development in 2007/2008 were withdrawn and refused due to issues of insufficient information having been submitted to the Local Planning Authority in relation to flood risk. The proposal site is situated in Flood Risk Zone 1 (low probability of river/tidal flooding) but adjacent to Flood Zones 2 and 3 (medium and high probability respectively of river/tidal flooding). The Environment Agency state that the watercourse adjacent to the site is Valley Brook, which is designated "Main River". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of the brook.

The Environment Agency usually requires an 8 metres wide strip to be clear and unobstructed, in order to carry out works to Valley Brook. However, in this instance, the Environment Agency state that as there will be access to the brook via the parking area, the proximity of the proposed building to Valley Brook is acceptable in principle.

The agent has also noted that the development site will not include any part of the valley brook and the existing wall and vegetation will be retained in situ at this point. It is therefore considered that as the Environment Agency concerns have been appeased, the reason for refusal for the previous application has been addressed and the proposal is therefore acceptable.

## **Highways**

The Strategic Highways Manager has assessed this application considers that the proposed amount of parking is insufficient for the site. The Strategic Highways Manager states that the emerging minimum parking standards would require 200% parking for all houses. However, a relaxation would be made to provide only one space for the 1 bed units. The original plans showed 15 spaces which was 6 spaces short of the reduced standard. There is very little on-street parking available in the vicinity of the site, and double yellow lines around the corner, what parking is available on Collins Street is needed for the terrace properties.

An amended site plan has been submitted showing the provision of 22 parking spaces which would achieve the lower standard of one space for the 7no one bedroom flats and two spaces for the 7no two bedroom sites, and a visitor space.

The Strategic Highways Officer has seen the amended plans as has noted that the proposed provision is acceptable and he raises no objections to the proposal. It is therefore considered that the proposal will not have a detrimental impact on highway safety.

## **Ecology**

The Councils Ecologist notes concerns that it is difficult to determine the potential impacts the proposed development could have on the adjacent Valley Brook. He requires the trees and associated vegetation adjacent to the brook banks to be retained. The applicant has been requested to submit a plan to show the valley brook to be un-damaged by the proposal. However as it will be outside the red edge of the site this may not be necessary. However the applicant has, submitted further details that state the proposal will not include an area of the 'The Valley Brook' and no works will be carried out to the area.

The Committee will be updated on the comments of the Council Ecologist in an update report.

## **Contaminated Land**

The application site is currently a car sales garage, but has a history of being a petrol station in the past. It has been noted that there is existing petrol containers under the site and therefore at the very least a Phase I report is required and depending on the outcome a Phase II would also be necessary to consider the potential impact the development could have on and future occupiers of the site and demonstrate that the site can be suitably developed for residential use.

The NPPF states that 'Planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation'

As it stands no information in relation to contaminated land has been submitted with the application and therefore it is not possible for the LPA to determine if the application site is suitable for its proposed use. Therefore, in accordance with the NPPF, Environmental Health have recommended that either the applicant submits a minimum of a desk study and site reconnaissance to demonstrate that the site is suitable for being developed for its new use or the application be refused on the basis of insufficient information.

As no further information has been submitted with regards to contaminated land it is considered acceptable to recommend the application for refusal on lack of information in relation to contaminated land.

## **11. CONCLUSIONS**

It is considered that the general principal, design, and layout of the proposal are acceptable. The proposed building will sit comfortably within the streetscene and will not have a detrimental impact on neighbouring amenity or highway safety. However, further consideration must be given to the parking provision on the site, impact on ecology and without any information on Contaminated Land the proposed application is considered unacceptable and contrary to the National Planning Policy Framework.

## **12. RECOMMENDATIONS**

### **Refuse**

- 1. The proposal site is known to have been a used as a petrol station in the past; therefore the land is most likely contaminated. Without sufficient evidence from the applicant to prove the site is capable of use as residential it is not possible for the Local Planning Authority suitably consider this issue. The applicant has therefore submitted insufficient information with regards to contaminated land which is contrary to Policy BE.6 (Development on Potentially Contaminated Land) and the National Planning Policy Framework.**

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Application No: 12/1869N  
Location: LAND ADJOINING SCHOOL LANE, BUNBURY, CW6 9NR  
Proposal: Outline Application for One Two Storey Detached Dwelling With Detached Garage.  
Applicant: Mr Potton  
Expiry Date: 05-Jul-2012

**SUMMARY RECOMMENDATION**

Approve Outline, subject to conditions

**MAIN ISSUES**

Principle  
Design  
Amenity  
Highways

**REASON FOR REFERRAL**

The application was 'called in' to Southern Planning Committee by Cllr Michael E Jones for the following reason

*'This is an application which has been refused before, is on green space and is heavily refused by the parish council.*

*This proposal is a process of excessive development and is not in keeping with the village and the public amenity of the fields.'*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a parcel of land situated between 2No properties known as Hopwood House and Trigfa. The site contains an agricultural access gate off School Lane, and is generally overgrown. Common boundaries with adjacent properties are comprised of well established hedgerows/vegetation. The land falls within the Settlement Boundary of Bunbury, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 201, and has no other formal designations.

**DETAILS OF PROPOSAL**

The application seeks outline consent for a detached dwelling and detached garage. All matters are reserved.

## **HISTORY**

P06/1396 Erection of One Detached Dwelling (Withdrawn 19<sup>th</sup> January 2007)

## **POLICIES**

### **Regional Spatial Strategy (NW)**

DP7 Promote Environmental Quality  
L4 Regional Housing Provision

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

BE1 (Amenity)  
BE2 (Design)  
BE3 (Access and Parking)  
BE4 (Drainage, Utilities, and Recourses)  
RES4 (Housing in Villages with Settlement Boundaries)

### **Other Material Considerations**

National Planning Policy Framework

## **CONSULTATIONS (EXTERNAL TO PLANNING)**

### **Highways:**

The Strategic Highways Manager has no objection to the application, but advises the following: (i) gates should be positioned at least 4.5 metres back from the edge of carriageway and that this part of the driveway will need to be in sealed material (i.e. concrete, tarmacadam or block paving) to prevent the carrying of loose material onto the highway; (ii) the dimensions of the vehicle hard standing and manoeuvring area must allow for vehicles to enter and leave the highway in forward gear.

The applicant should be made aware that an agreement under S184 of the Highways Act will need to be entered into for the upgrading of the crossing.

### **Environmental Health:**

No objection subject to the following conditions:

- (i) The hours of construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

- (ii) Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30 – 17:30 hrs
Saturday	09:30 – 13:00 hrs
Sunday and Public Holidays	Nil

**United Utilities:**

No objection.

**VIEWS OF BUNBURY PARISH COUNCIL**

Object

**OTHER REPRESENTATIONS**

A neighbour objection has been received from Hopwood House. In summary the objection raises the following issues:

- (i) Agricultural plan is out of date and does not show Hopwood House.
- (ii) Reference is made to the overgrown state of the land and inability to maintain the boundary hedge. The proposed access for the dwelling is currently a much more practical and accessible agricultural access point than the alternative shown on the out of date plan. Lack of maintenance of the remaining 8 acres should be of concern.
- (iii) The existing site adds to the rural character of the village. For many years dog walkers have established a footpath from the field gate across the field to the public footpath.
- (iv) The boundary hedge should be maintained
- (v) Working hours should be restricted to no work after 5pm and no work at weekends
- (vi) Hopwood House would become overlooked. Loss of privacy to garden area
- (vii) Loss of light to Hopwood House
- (viii) Neighbours intention to buy the land if sold without planning permission

**OFFICER APPRAISAL**

**Principle of Development**

The application site is situated within the Bunbury Settlement Boundary, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Policy RES4 (Housing in Villages with Settlement Boundaries) allows for the development of land or re-use of buildings for housing on a scale commensurate with the character of the village; and in accordance with policies BE1 to BE5.

**Design**

The application seeks outline consent for a detached dwelling and garage on land between Hopwood House and Trigfa. A revised indicative layout plan has been submitted which re-

orientates the dwelling slightly and re-sites the detached garage adjacent to the rear agricultural access gate. The revised layout provides a better relationship between the dwelling and the access points within the site, whilst providing more useable garden area.

The proposal would be a detached two storey dwelling, and whilst detailed design is a reserved matter, the dwelling type would be in-keeping with surrounding properties. The proposal would also sit comfortably within the plot and would respect the pattern of development along School Lane.

Detailed design would be considered at the reserved matters stage.

### **Amenity**

All matters are reserved in this outline application, however as an indicative siting of the dwelling has been provided an assessment can be made in terms of the impact of the proposal on neighbouring residential amenity.

The adjacent property known as Hopwood is a detached dwelling situated to the south of the site. To the side elevation in proximity to the application site there is 1No obscure glazed window at first floor level and 2No windows at ground floor. These serve a kitchen and a dining room, but are considered to be secondary as they are also served by main windows to the front and rear respectively. The current plans show that the proposed dwelling could be positioned around 9 metres from the side elevation of Hopwood.

As the dining room is also served by a window to the rear and the kitchen is served by a window to the front, and all other windows are non-principal it is considered that if the proposed dwelling had no principal windows to the southern elevation, there would be no overlooking or loss of privacy issues. This would be conditioned accordingly. As the application site is to the north of Hopwood, there would be no significant loss of light issues, and given the level of separation the proposal would not be visually intrusive or overbearing. A condition would also be attached to secure the retention of the existing hedgerow boundary.

In terms of the property known as Trigfa this is situated to the north west of the application site. The plans demonstrate that a separation distance of 16 metres can be achieved between the side elevation of Trigfa and the side of the proposed dwelling. This property has a number of windows to the side facing elevation. This includes a glazed living room door; 2No kitchen windows which also benefits from a window to the rear; 1No bedroom window at first floor (also with a window to the rear); and 1No study room window at first floor (also served by a window to the front). As the aforementioned rooms are also served by other windows, those contained in the side facing elevation in proximity to the application site are secondary. Trigfa benefits from a relatively large side garden area that contains an outbuilding/garage and mature vegetation to the common boundary with the application site. Provided that the proposed dwelling had no principal windows to the side elevation facing Trigfa, there would be no overlooking or loss of privacy issues and an acceptable separation distance would be achieved. This would be conditioned accordingly. Whilst there might be some overshadowing to part of the garden area of Trigfa given the orientation of the properties, this is not considered to be significant given that the property benefits from a large rear garden and this is also occupied by an outbuilding. Due to the separation distances it is not considered that the proposal would be visually intrusive or overbearing to Trigfa.

'The Hollies' is situated on the opposite side of School Lane and would have a separation distance of 22 metres from the front elevation of the proposed dwelling. This would be an acceptable separation standard between principal elevations and as such it is not considered that a proposed dwelling would be detrimental to the residential amenity afforded to this property.

The proposal would provide an acceptable level of private amenity space within the rear garden area for future occupiers.

The neighbour objection from Hopwood House requests a restriction of construction hours to 5 pm and no working at weekends. Environmental Health have assessed the application and request a restriction to 08:00 to 18:00 hrs Monday – Friday, 09:00 to 14:00 hrs Saturday with no working on Sundays and Public Holidays. This is considered to be more reasonable and would be secured by condition. A restriction on pile driving hours has also been requested, and would also be secured by condition.

### **Parking**

The application site includes the existing garage and access which serves (or previously served) number 25 Wayside. As the proposed use is the same it is considered that the use of this access would be acceptable and would not be detrimental to highways safety.

The proposal does however mean that number 25 would no longer have any off-street parking. As this property is in separate ownership and does not form part of the application site, the Local Planning Authority is unable secure any off-street parking for number 25 under this application. Most other properties along Wayside have off-street parking, and given the limited number of properties located along this road which does not carry passing traffic, it is not considered that there would be any detriment to highways safety.

### **Highways**

The Strategic Highways Manager has no objection to the application, but advises the following: (i) gates should be positioned at least 4.5 metres back from the edge of carriageway and that this part of the driveway will need to be in sealed material (i.e. concrete, tarmac or block paving) to prevent the carrying of loose material onto the highway; (ii) the dimensions of the vehicle hard standing and manoeuvring area must allow for vehicles to enter and leave the highway in forward gear.

The above can be secured in the reserved matters application, as the current application is for outline consent only with all matters reserved.

### **Other Matters**

#### Out of date plan

Whilst the Location Plan submitted with the application is out of date and does not show Hopwood House, the block plan and site plan does show this property and adjoining development.

Lack of maintenance of site

This is not a material planning consideration in the determination of the application.

Footpath

There is no official public right of way through the application site.

Sale of Land

The future sale of land with or without planning permission is not a relevant consideration to this application in planning terms.

**CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is considered that the outline for a single detached dwelling is acceptable in principle and could be accommodated on site without detriment to neighbouring residential amenity. The indicative layout demonstrates that a dwelling could be accommodated on site and would respect the surrounding pattern of development. A detached two storey dwelling would also be in-keeping with house types in the immediate locality. The application is acceptable in principle and is therefore recommended for approval, subject to the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Two Storey Dwelling
5. No windows to side facing elevations
6. Hours of construction
7. Hours of any pile driving activities
8. Retention of hedgerow boundaries between Hopwood and Trigfa



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Application No: 12/2038N

Location: Santune House, ROPE LANE, SHAVINGTON, CW2 5DT

Proposal: Demolition of former nursing home and erection of 7 terraced dwellings, 4 residential apartments and 1 detached dwelling with access and parking

Applicant: Santune House Developments

Expiry Date: 27-Aug-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Main Issues;
- Principle of Development;
- Design Standards;
- Private Amenity Space/Density;
- Amenity Considerations;
- Existing Employment Sites;
- Drainage;
- Waste Management;
- Over Development and Loss of Building;
- Landscape; and
- Highways

**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 lies wholly within the settlement zone line for Shavington and is not allocated in the Local Plan. The site was formerly a nursing home called Santune House and was owned and operated by Cheshire East Council. However, the building has been vacant for some considerable time and has been prone to vandalism and other forms of anti-social behaviour.

The site is rectangular in shape (roughly) and measures 70m wide by 51m deep. The boundaries to the site are demarcated by mature hedgerow which is punctuated at sporadic intervals with trees of varying species and heights and a wire mesh fence. Located to the north, west and south of the application site are residential properties of varying sizes and types and to the east is Rope Lane, with other residential properties beyond it.

## **DETAILS OF PROPOSAL**

This is a full application for the erection of 7no. terraced properties, 4 no. residential apartments and 1 detached dwelling with associated access and car parking areas at the former Santune Nursing Home, Rope Lane, Shavington.

## **RELEVANT HISTORY**

7/04607 – 40 Bed Elderly Persons Home and 2 Staff Houses – Approved – 15<sup>th</sup> December 1978

P95/0726 – Day Care Centre and Conversion of Bungalows to Offices – Approved – 15<sup>th</sup> November 1995

P00/1047 – Ground Floor Extension – Approved – 7<sup>th</sup> February 2001

## **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.5	(Infrastructure)
NE.5	(Nature Conservation and Habitats)
RES.2	(Unallocated Housing Sites)
RES.3	(Housing Densities)
RES.4	(Housing in Villages with Settlement Boundaries)
TRAN.5	(Provision for Cyclists)
TRAN.9	(Car Parking Standards)
E.7	(Existing Employment Sites)

## **CONSIDERATIONS (External to Planning)**

**United Utilities:** No objection

**Environmental Health:** No objection subject to the following being conditioned – hours of operation, pile foundations, method statement, no external lighting.

**Contaminated Land:** No objection subject to a condition relating to site investigation and risk assessment.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments at the time of writing this report

## **OTHER REPRESENTATIONS**

One letter of objection received from the occupier of 12 Rope Lane, Shavington. The salient points raised by the objector are:

- The site has some history of blocked sewers affecting no's 12 to 28 Rope Lane;
- The green barrier of shrubs around the site should be retained, along with the trees which are the subject of TPO's and as many other trees as possible.

## **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.

### **Tree Survey**

## **OFFICER APPRAISAL**

### **Main Issues**

The main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of planning policy, housing land supply, loss of employment, affordable housing, amenity, ecology, design landscape, layout drainage and flooding, infrastructure, highway safety and traffic generation.

### **Principal of Development**

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 lies wholly within the settlement boundary of Shavington where, in principle, residential development is considered to be acceptable. National Planning Policy Framework advocates that most additional housing development should be concentrated in urban areas and that the Planning Authority should facilitate for the efficient use of brownfield land to minimise the amount of greenfield land being taken for new development. The site is not regarded as greenfield and the principle of residential development is accepted.

Additionally, 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 Standards**

Guidance advocated within NPPF supports a mix of housing within areas. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *‘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’* (paragraph 64)

However, the NPPF clearly states that *‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness’* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The collection of dwellings around the application site have been constructed over approximately the last 120 years and provide a eclectic mix of architectural styles, forms and differing scales of dwellings. The application site is a rectangular (roughly) parcel of land located adjacent to Rope Lane. The former nursing home is 2.5 storey high and the proposed dwelling houses are of a similar height and as such it will not appear overly conspicuous or incongruous.

The application proposes a mixture of terraced properties, detached dwellinghouses and apartments. According to the submitted plans, there will be 7no. terraced properties, 1no. detached dwellinghouse and 4no. apartments. Typically the terraced properties and the apartment block will measure approximately 5.5m high to the eaves and 9.6m high to the ridge and the footprint of the property is shaped like a letter 'L'. The building will measure approximately 46.4m long by 17.2m deep (at the widest points).

According to the submitted plans and the Design and Access statement the building will be constructed out of facing brick, under a concrete tile roof and the first floor will incorporate a render finish, which will be conditioned, in the event that planning permission is approved. In addition to the above, the properties will incorporate a string course at first floor level separating the facing brick from the render finish, sill and lintel details, projecting porches and dormer windows, in order to make the dwellings appear less stolid and uniform. It is considered that the proposed mixture of house types would not be at odds with the pattern and design of development in the surrounding area.

The proposed terraced properties and apartment block will be constructed on a similar footprint to the nursing, albeit slightly larger. Overall, it is considered that the scale, proportions and detailing on the proposed dwellings are similar to those within the surroundings mimicking their context without creating a pastiche form of development. The dwellings are well set back from the road frontage and it respects the surroundings, providing a sympathetic and unobtrusive infill development.

Internally the terraced properties will comprise kitchen, hall, dining area, cloak room and lounge at ground floor level. The first floor accommodation will comprise 2no. bedrooms storage cupboard and bathroom and there will be an additional bedroom with en-suite at the second floor.

There are 4no. self contained apartments which are spread over three levels. The proposed apartment is located immediately to the southeast of the terraced and forms the short leg of the letter 'L'. The ground floor apartments will comprise a lounge, kitchen, bathroom and 2 no. bedrooms. There will be 2 no. duplex apartments spread over the first and second floors. The first floor accommodation will comprise kitchen, lounge, bathroom and bedroom. The second floor will comprise 2 no. bedrooms with a bathroom.

According to the submitted plans the footprint of the proposed dwellinghouses is roughly rectangular in shape and measures approximately 9.8m wide by 11.2m deep (at the widest points) and is 5m high to the eaves and 7.8m high to the apex of the pitched roof. The detached property will be located to the south of the terraced properties and apartment. According to the submitted plans there is a an area of car parking to the front of the property and the existing vehicular access will be retained, which will serve the proposed detached dwelling. Located to the rear of the property is the private garden area, which will serve this property. . It is considered prudent to attach a condition relating to the removal of Permitted Development rights, in the event that planning permission is approved due to the limited size of the plot. Overall, it is considered that a simple rectilinear footprint of the proposed dwellinghouse with private amenity space located to the rear is in keeping with the character and appearance of the streetscene.

The proposed dwellinghouses will be constructed out of facing brick under a tile roof, which will be secured by condition, if planning permission is to be approved. The properties will incorporate a pitched roof design, which is in keeping with other properties in the immediate locality. The property is very simple in design terms with the front door centrally located and is flanked by a garage door on one side and a large picture window on the opposing side. Located at first floor level are slightly smaller apertures. Additionally, there is a simple mono pitch canopy and a projecting gable element (rendered). It is considered that the style, design and proportions of the fenestration are in keeping with the streetscene and do not appear out of character or appearance with other properties in the locality. Located on the rear elevation of the building is a set of French doors with windows of various sizes. On the side elevation facing the terraced properties is a chimney, which helps to give the property a vertical emphasis and on the opposing side elevation are two small apertures at ground floor level and a personnel door. In addition to the above there is a string course.

Overall, it is considered the proposal would not detract from the identifiable character of the locality and its sense of place. Furthermore, due to the nature of the plot, nature and sale of the existing built form and the intervening road and the boundary treatment, the application site will not be read as an isolated or divorced plot and the proposal is in accordance with policy BE.2 (Design Standards).

### **Private Amenity Space/Density**

The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over-intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality. Consequently, it is considered that the proposal will not be out of keeping. However, it is considered prudent to attach conditions relating to boundary treatment and landscaping, in order to help assimilate the proposal into the local environment.

### **Amenity Considerations**

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.

It is considered that the redevelopment of the site for housing within an existing residential area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the bungalows to the north and west of the site, the semi detached properties, located directly opposite the application and the residential dwellings to the south. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The neighbouring properties which are located directly opposite the application site comprise 2-storey semi-detached properties (the front elevation of these properties fronts the application site). It is noted that these properties are slightly offset. All of these properties are constructed out of facing brick under a concrete/slate roof. According to the Council's SPD – Development on Backland and Gardens states as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation and a side elevation. According to the submitted plans there is a distance of approximately 30m separating the application site from the semi detached properties on the opposite side of Rope Lane. Therefore, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of these properties and the proposal accords with policy BE.1 (Amenity).

Located to the rear of the application site is a relatively large detached dwellinghouse, which is located within a substantial residential curtilage. According to the submitted plans the side elevation of the detached property is set approximately located 7.5m tapering down to 6m off the common boundary. The property to the south of the application site is at a slight angle. It is considered given the separation distances, boundary treatment and the orientation and juxtaposition of the dwellinghouses will help to mitigate any negative externalities caused by the proposed development.

It is considered that the proposal will have a negligible impact on the residential amenities of the occupiers of no's 9 and 11 Burlea Drive, which are located to the west and north west of the application site. Both of these properties are detached bungalows located in large curtilages. According to the submitted plans the gable of the proposed terraced properties are located approximately 7.5m tapering down to 4m off the common boundary. Both of these properties are at a slight angle in relation to the gable of the terraced property. It is considered given that there was a building of similar height and proportions and given the orientation of the properties, the proposal will not result in overbearing impact or cause any significant overshadowing. Furthermore, a condition relating to boundary treatment will be attached to decision, which will help to mitigate any negative externalities associated with the proposal.

According to the submitted plans there are no apertures located in the gable of the terraced property facing no. 11 Burlea Drive and consequently there will be loss of privacy. According to the submitted plans there is an area of car parking located to the front of the terraced properties and there is a distance in excess of 10m separating the boundary of no. 9 Burlea Drive from the front elevation of the terraced property. It is considered that this separation and the proposed boundary treatment is sufficient to alleviate any potential loss of privacy.

The proposed development will have a marginal impact on the residential amenities of the occupiers of the bungalows located to the north of the application site. The case officer noted

that these properties are located at a 90 degree angle in relation to the proposed terraced properties. There is a distance of approximately 13.5m separating the front elevation of the terraced property from the common boundary. Furthermore, the proposed building is of a similar height and footprint to the existing nursing home and there were windows in this elevation overlooking these properties. In any event it is considered given the separation distances, boundary treatment and location and orientation of the properties the proposal will not cause any overlooking or loss of privacy issues. Overall, it is considered that the proposal will not have a significant detrimental effect on the residential amenities of the occupiers of the neighbouring properties and the proposal accords with policy BE.1 (Amenity).

### **Existing Employment Sites**

The proposed development would result in the loss of a small scale employment site within the Borough. The building was last used as a nursing home, and policy E.7 states that development which causes the loss of an existing employment site will be permitted provided that:

- it can be demonstrated that the present use harms the character or amenities of the surrounding environment or
- the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development or
- it can be demonstrated that there would be no detrimental impact on the supply of employment land

The applicant has stated that the building has remained vacant for some considerable time and has been prone to vandalism, which detracts from the area. Furthermore, the building was marketed for commercial use, but no interest has been shown. The applicant also stresses that the building cannot meet the modern day requirements of a nursing home, without major redevelopment. It is accepted given the location of the building and the surrounding land uses, would preclude a number of commercial enterprises. Overall, it is accepted that the site is located within a sustainable location for residential development and would constitute an efficient use of land, the loss of this small employment site is considered to be acceptable and in line with the requirements of policy.

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and the case officer considers it prudent to attach a condition relating to drainage, if planning permission is to be approved. Furthermore,

colleagues in United Utilities have been consulted and raised no objection. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Waste Management**

All of the proposed terraced properties and the detached dwellinghouses will have the ability/facility to store the requisite number of storage bins within rear garden areas for general refuse and recycling receptacles. According to the submitted plans the bin storage area for the apartment blocks will be east of the application site, adjacent to Rope Lane.

On bin collection day the receptacles can easily be moved to the public footpaths in close proximity of individual properties ready for collection and then returned to the rear gardens/bin storage area once emptied again. This will ensure that bins or other such containers are not visible on any day other than on collection day.

### **Over Development and Loss of Buildings**

It is not considered that objection on the grounds of over development can be sustained. The proposed density is acceptable having regard to the existing character of the area and fully accords with the principles of the National Planning Policy Framework. Similarly, it is not considered that the loss the former nursing home on the site would harm the character of Shavington. The nursing home is relatively modern constructed in the 1970's and does not benefit from statutory protection. Furthermore, the building is in a very poor state of repair and could in effect be demolished without the need for planning permission.

### **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

The site of the proposed development is a former nursing home with associated car parking and amenity space. There are large areas of shrub planting and a number of trees in the vicinity including two trees on the Rope Lane frontage protected by the Shavington Villa, Rope Lane Shavington TPO 2008.

The submission indicates the proposed development would require the removal of areas of shrub vegetation together with four unprotected trees; two early mature Pine trees on the Rope Lane frontage, a Sycamore tree on the southern boundary and a Sycamore on the western boundary. The trees are not exceptional although they contribute to the wider tree cover in the area.

The Landscape Officer has some concerns that to the north of the site, a drain run, an access and parking area appear very close to a mature Ash tree. The tree is shown for retention however, it is not clear for the plans how this can be achieved and further details are required, which will be included in the Members update report.

## Highways

No response has been received from the Highways Engineers at the time of writing this report. The response from the Highway Engineer will be included in the Members updates.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

The Local Planning Authority considers that the proposed residential development is an appropriate form of development. The proposed dwellinghouses would be sympathetic to the surrounding area and would not be harmful to the amenities of neighbouring properties and has provided satisfactory parking provision Therefore the proposed development complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), TRAN.9 (Car Parking Standards), NE.5 (Nature Conservation and Habitats) and RES.4 (Houses in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### Approve subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials to be submitted and agreed in writing
4. Surfacing Materials to be submitted and agreed in writing
5. Details of Boundary Treatment
6. Details of Landscaping to be submitted and agreed in writing
7. Landscaping to be implemented
8. Remove PD Rights
9. Tree Protection Measures
10. Doors/windows set behind a 55mm Reveal
11. Car Parking Spaces
12. Arboriculture Method Statement
13. Drainage
14. Hours of Operation

Monday to Friday	08:00 to 18:00 Hours
Saturday	09:00 to 14:00 Hours
Sundays and Bank Holidays	Nil

15. No External Lighting
16. Construction Method Statement
17. Pile Foundations

Monday to Friday	09:00 to 17:00 Hours
Saturday	09:00 to 13:00 Hours
Sundays and Bank Holidays	Nil

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Application No: 12/2095C

Location: BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON, CW11 2TW

Proposal: Extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers.

Applicant: Mr Tom Gardiner, William Beech skip Hire

Expiry Date: 01-Aug-2012

**SUMMARY RECOMMENDATION: Approve subject to conditions.**

**MAIN ISSUES:**

**Principle of the Development**

**Impact on Open Countryside**

**Amenity**

**REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee because it is a departure from the development plan.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises a small, rectangular parcel of land approximately 308sqm in size, situated at the north western end of the land currently used for the storage of skips, by William Beech Skip Hire. The site is well screened from the road by trees and hedgerows and is designated as being within the open countryside in the adopted local plan.

**DETAILS OF PROPOSAL**

The proposal is to extend the area for the storage of skips by approximately 10m at the north western end of the existing skip storage area. In addition permission is sought for the storage of recycled materials in skips and secure containers in an area of the south eastern part of the site which will be sited on new hardstanding.

The extended part of the site would be used for the storage of empty skips and the south eastern part would have skips and secure containers containing inert waste, waste wood, green waste and cardboard and plastic.

**RELEVANT HISTORY**

09/0259/FUL – 2009 Refusal for the retention of hardcore area for the storage of skips. Appeal allowed 2010.

08/2061/CPE – Certificate of lawful existing use for the operation of a skip hire business. Issued 2009.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Regional Spatial Strategy**

DP1 Spatial Principles

DP4 Making the Best Use of Existing Resources and Infrastructure

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

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

GR1 New Development

GR2 Design

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

NR1 Trees and Woodlands

SPD14 Trees and Development

## **CONSIDERATIONS (External to Planning)**

### **Environmental Protection:**

None received at the time of report writing.

### **Highways:**

I have concerns over the poor visibility at the exit to the site which is on a derestricted principal road. However, as the application does not involve the intensification of the use of this access, I have no grounds for objection.

## **VIEWS OF TOWN COUNCIL**

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

Five objections have been received relating to this application expressing the following concerns:

- The site is very untidy
- Mud on the road caused by skip wagons
- Not appropriate for a green field area to be changed to waste recycling
- Activities of the skip wagons on the local lanes causes nuisance and danger to other road users
- Increase in noise pollution
- 'Shock waves' caused by the use of heavy machinery
- Loss of privacy
- Applicant operates outside the hours that are stated on the application form
- Waste will be stored where it should not be
- Proposal will worsen the current situation
- White ash pollution
- Site is not landscaped as it should be
- Loss of privacy
- Operation is better suited to an industrial estate
- Proposal will lead to access to Betchton Motors site (also in applicants ownership)
- Unfair business competition

#### **OTHER MATERIAL CONSIDERATIONS**

##### **Written Ministerial Statement: Planning for Growth (23<sup>rd</sup> March 2011)**

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

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

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

#### **OFFICER APPRAISAL**

##### **Principle of Development**

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 states, inter-alia that development will only be permitted if it is

for employment purposes in accordance with Policy E5. Policy E5 allows for the expansion or redevelopment of an existing business in the open countryside.

In 2009 the former Congleton Borough refused an application for the retention of an area of hardstanding used for the storage of skips. Subsequently an appeal was allowed. The Inspector concluded that the development was harmful to the character of the surrounding countryside but that the Regional Spatial Strategy and the local plan allow for exceptions to restrictions in the open countryside for existing businesses.

This application seeks to extend the hardstanding area by approximately 10m and the NPPF has now been introduced. This document, in paragraph 28 requires Local Planning Authorities to support the sustainable growth and expansion of all types of business in rural areas.

Taking in to account the issues discussed above, it is considered that the proposal is acceptable in principle.

### **Impact on the Open Countryside**

The proposal is for a small extension to the existing area used for the storage of skips and for the storage of some skips and secure containers containing recycled materials, within an area of the site currently used for the storage of empty skips.

Given that the extension to the site is a small area and is well screened from view, it is not considered that this would have a significant adverse impact on the openness or character of the open countryside.

The storage of recycled materials was not allowed by the previous appeal decision; however if it is considered that provided that it is restricted to the area indicated on the submitted plan, is restricted to being no greater than a height of 2.5m above ground level and a condition is imposed requiring a bund to be created on the southern boundary and on the boundary where the waste shed is sited, there would be no significant adverse impact on the openness or character of the open countryside.

### **Amenity**

The extension to the site would allow the storage of empty skips closer to the former Betchton Motors site and the dwelling to the rear of it; this is screened by a high leylandii hedge.

The occupiers of Betchton Manor have expressed several concerns, including a loss of privacy. However it is considered that this small extension for the storage of empty skips would not cause any significant loss of privacy to this property.

Concerns have been expressed about current issues with the site relating to noise, vibration and highway safety. The site has consent for skip storage, however the Supporting Statement has put forward the methods by which the applicant will mitigate any adverse impacts of the operation, these include noise and traffic issues. Should the application be approved, conditions should be imposed requiring compliance with the Dust Control and Mud/Debris Control methods listed in the Supporting Statement dated May 2012.

As discussed above a condition should be imposed requiring a bund to be created in order to screen the site, this will also have a positive impact on the amenity of neighbouring residential properties as it would also serve as a noise attenuation measure.

The application form states that the hours of operation would be 0800 to 1700 hours Monday to Friday, 0800 to 1500 hours on Saturday with no working on Sundays or Public Holidays. The restriction on the hours of operation would be of positive benefit to the neighbouring properties as the site currently operates outside of these hours and as such this should be imposed as a condition.

Subject to the imposition of the proposed conditions the proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

### **Highways**

The Strategic Highways Manager has expressed concerns about poor visibility at the exit to the site. However he has not put forward an objection as this already serves the existing business. A refusal on these grounds would therefore not be sustainable.

### **Landscape and Trees**

There is an existing Leylandii hedge to the west, a mature native species hedge to the north and an establishing hedge to the west on the field boundary. A post and rail fence is proposed 1m from the Leylandii hedge in order to protect it from damage. There are therefore no landscape or forestry concerns subject to retention and protection of the existing hedgerows. It is recommended that this is secured by condition.

### **CONCLUSIONS AND REASONS FOR THE DECISION**

The proposed development will enable the applicant to operate the existing business in a more efficient and safe way, which complies with the requirements of Policy E5 and paragraph 28 of the NPPF.

The development is acceptable in terms of impact on the open countryside, amenity and highway safety, subject to the recommended conditions.

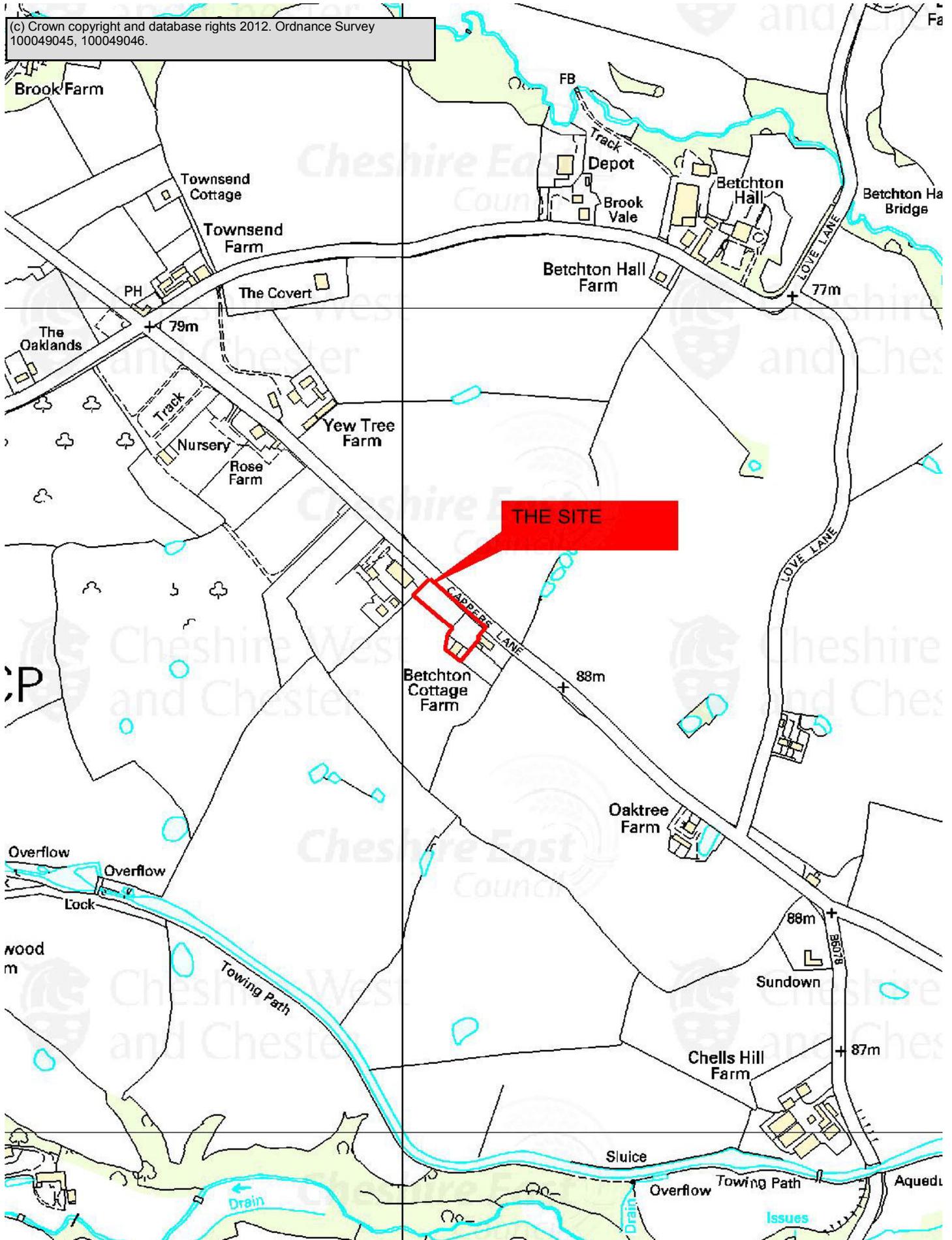
The proposal is therefore recommended for approval.

**RECOMMENDATION:** Approve subject to the following conditions:

1. Time limit.
2. Compliance with the approved plans.
3. Recycled materials to be stored only in the area indicated on the approved plan.
4. Skips, both empty and those used for the storage of recycled waste, shall not exceed a height of 2.5m from ground level.
5. Green waste shall only be stored in fully enclosed containers.
6. Submission and implementation of a tree and hedgerow protection scheme.
7. Submission and implementation of details of the post and rail fence at the north western end of the site.
8. Submission and implementation of plans and details of bunding on the southern boundary and adjacent to the existing waste shed.

9. Implementation and compliance with the Dust Control measures listed in the Supporting Statement.
10. Implementation and compliance with Mud/Debris Control measures listed in the Supporting Statement.
11. Operation hours as follows:
  - 0800 to 1700 hours Monday to Friday
  - 0800 to 1500 hours Saturday
  - No working on Sundays or Public Holidays

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Application No: 12/2327N

Location: THE OLD SMITHY, SALESBROOK LANE, ASTON, CW5 8DR

Proposal: Outline Application for Taking Down of Existing Workplace Buildings and for New Small Dwelling House and Contiguous Workshop / Business Premises

Applicant: Mr Glynn Davies

Expiry Date: 14-Aug-2012

<b>Planning Reference No:</b>	12/2327N
<b>Application Address:</b>	The Old Smithy, Salesbrook Lane, Aston, CW5 8DR
<b>Proposal:</b>	Outline Application for taking down of existing workplace buildings and for new small dwelling house and contiguous workshop / business premises
<b>Applicant:</b>	Mr Glynn Davies, 4 Broad Lane, Stapeley, Cheshire, CW5 7QL
<b>Application Type:</b>	Outline
<b>Ward:</b>	Audlem (2011)
<b>Constraints:</b>	Open Countryside

#### **SUMMARY RECOMMENDATION:**

#### **REFUSE**

#### **Main issues:**

- Principle of development
- The impact of the design
- The impact upon amenity
- The impact upon highway safety and parking
- The impact upon protected species

#### **REASON FOR REFERRAL**

Councillor Rachel Bailey has called in this application to Southern Planning Committee for the following reasons;

*'In view of proposed alteration of existing employment use to part residential, part employment I would like committee to consider this application and consider whether policy E.7 Existing Employment Sites and RES 5 Housing in open countryside of the CNBC Local Plan, apply.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application unit is a small isolated industrial building located on the northern edge of Salesbrook Lane, Aston within the Open Countryside. This building has a part painted metal sheet / part exposed and painted timber finish, white painted timber fenestration and a metal sheet dual-pitched roof.

## **DETAILS OF PROPOSAL**

Outline Planning Permission is sought for the demolition of an existing workshop and the erection of a new dwelling and associated workshop/business with all matters reserved.

## **RELEVANT HISTORY**

**P94/0013** - Replace part of existing buildings and first floor extension – Approved 11<sup>th</sup> February 1994

## **POLICIES**

### **National policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

NE.2 – Open Countryside  
NE.9 – Protected Species  
BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
RES.2 – Unallocated Housing Sites  
RES.5 – Housing in the Open Countryside  
E.7 – Existing employment sites

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager** – No objections in principle

**Environmental Health** – No objections, subject to conditions relating to hours of construction, the prior submission of lighting details and a contaminated land assessment. Concerns would be raised if the proposed dwelling was not tied to the workshop from a noise and odour perspective

## **VIEWS OF THE PARISH COUNCIL**

**Newhall Parish Council** - No comments received at time of report

## OTHER REPRESENTATIONS

No comments received at time of report

## APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

## OFFICER APPRAISAL

### Principle of Development

#### NPPF

Paragraph 55 of the NPPF specifically refers to new dwellings in the countryside. It advises that ***'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:***

- *'The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *The exceptional quality or innovative nature of the design of the dwelling.'*

In response to this policy, the development would involve the erection of a detached dwelling and an attached small workshop/business. No details have been provided about the proposed use of the workplace other than its description within the Design and Access Statement as an *'industrial unit'*. Without this information, it is difficult to determine if the business would employ a 'rural worker' and subsequently whether there would be an 'essential need' for that worker to live at or near their place of work in the countryside. Notwithstanding this lack of information, historically, prior to the NPPF, PPS7 would have been used to make an assessment on such a proposal. Within this document, such an exception refers almost exclusively to agricultural farm workers dwellings and as such, is not deemed to be relevant in this instance.

The proposal would not refer to a heritage asset, would not be of exceptional quality or innovative design and would not relate to the re-use of redundant or discussed buildings, as these would be demolished. As such, due to the proposed nature of an *'industrial unit'*, it is not considered that the associated dwelling would be essential for a rural worker. Furthermore, it is not considered that the proposal falls within any of the other specific categories and as such, would be contrary to the NPPF's rural housing policies.

The NPPF supports a presumption in favour of sustainable development. The application unit is situated within the Open Countryside in an isolated location. Given this location, there are limited amenities within close proximity. Due to this lack of local amenities, approval of a dwelling in this location would encourage unsustainable vehicle movements to and from the site. As such, it is considered that the proposed new dwelling would not be in a sustainable location and contrary to the NPPF's sustainability principles.

As a result of the above reasons, it is considered that the proposal would be contrary to the NPPF and unacceptable in principle.

### Local Plan

The site is designated as being within the Open Countryside and as such is subject to Policy NE.2 of the Local Plan. Policy NE.2 advises that within the Open Countryside, only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or other uses appropriate to a rural area will be permitted. As the proposal for a new dwelling and associated business fails to fall into any of these categories, it is considered to represent an inappropriate form of development in the Open Countryside and therefore would be unacceptable in principle.

Policy RES.5 specifically refers to housing in the Open Countryside. It advises that in such locations, new dwellings will be restricted to those that either; meet the criteria for infilling contained in Policy NE.2 or, are required for a person engaged full time in agriculture or forestry. Again, the proposed development does not fall into either of these categories, so fails to adhere with Policy RES.5 of the Local Plan.

Policy E.7 of the Local Plan refers to existing employment sites. It advises that development which could cause the loss of an existing employment site will only be permitted in certain circumstances. Given that the proposal would not result in the loss of an employment site, this policy does not apply in this instance.

### **Design, Amenity & Highways**

All matters of the dwelling are reserved for later approval however; a site layout plan and an artist impression have been submitted for illustrative purposes only. The indicative layout shows that the proposed unit would be positioned largely on the footprint of the existing industrial unit and would have an 'L-shaped' design. The dwelling & workshop would be positioned to the west of the plot and would be approximately 70 metres away from the closest dwelling to the northwest (The Moorhall Cottage), approximately 158 metres to the southwest of Moorfields and approximately 191 metres to the west of Salesbrook Manor. The plot itself is enclosed by open paddock and bound to the south by Salesbrook Lane. If a new dwelling & workshop were permitted on this plot, it is considered that the layout would be acceptable. Due to the distance of the plot from neighbouring dwellings, there would be no neighbouring amenity issues created should the application gain approval.

Environmental Health have advised that they would have no objections to the proposal subject to conditions restricting the hours of construction, lighting and a contaminated land assessment. The occupants of the proposed dwelling would be subject to odour and noise from the associated workshop/business and that would be of concern. However, if the occupants of the proposed dwelling are employed in the workshop, Environmental Health would have no objection. Should the application gain approval, a condition linking the occupiers of the dwelling to the attached workshop would be sought.

Highways have raised no objections to the development as the access to the site is already established and there is sufficient hard standing at the site already to accommodate at least 2 vehicles.

### **Ecology**

The Council's Nature Conservation Officer has been consulted and advised that he objects to the proposal on the grounds that a protected species survey does not accompany the application. The applicant intends to submit this survey by the end of July. Until that date, the application would be contrary to Policy NE.9 of the Local Plan.

### **CONCLUSIONS**

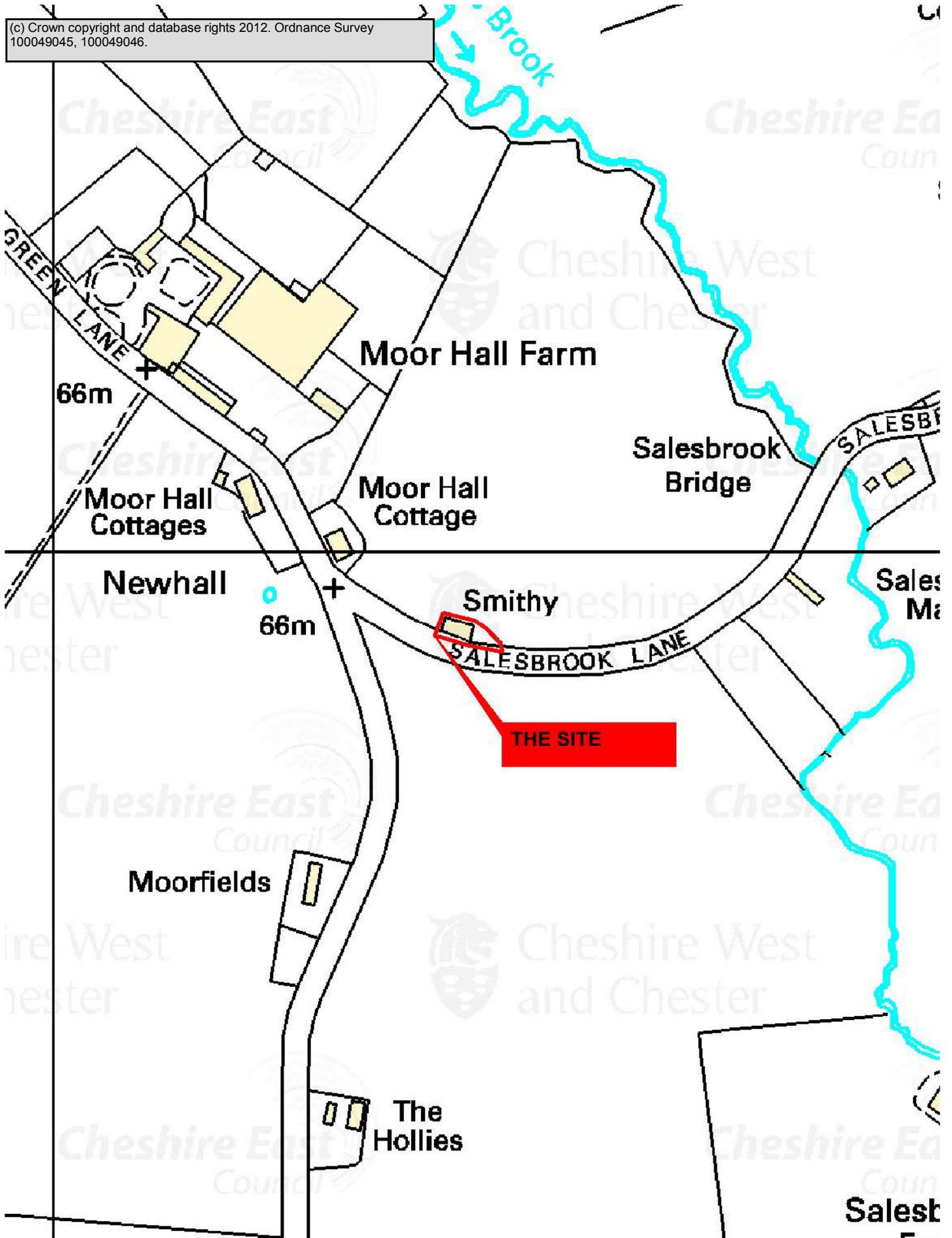
The proposal represents an inappropriate form of development in the countryside and it is not considered that there are significant reasons to allow an exception to normal policy. Furthermore, at this time there are also outstanding ecological matters. A recommendation of refusal is therefore made.

### **RECOMMENDATION: REFUSE for the following reasons**

1. The proposal would create an isolated new home in the countryside which is considered to be an inappropriate form of development. It is also considered that the application site would represent an unsustainable location for a new dwelling. As such, the proposal is considered to be contrary to Policies NE.2 and RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the NPPF.
2. The application fails to provide sufficient information to quantify and mitigate any impact upon protected species which are protected under the Wildlife and Countryside Act 1981. The proposed development is therefore contrary to Policy NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.



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Application No: 12/2406N

Location: MONKS HALL FARM, MILL LANE, HANKELow, CW3 0JD

Proposal: Proposed Slurry Lagoon to comply with Environment Agency requirements for storage of slurry in a Nitrate Vulnerable Zone

Applicant: Mr Angus Maughan

Expiry Date: 24-Sep-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Need for the Proposal;
- Design;
- Amenity; and
- Public Rights of Way

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal

**DESCRIPTION OF SITE AND CONTEXT**

Monks Hall Farm is a working dairy farm and is set back from the main road by a distance 450m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a slate roof, which is located to the south of a farm complex which contains a number of structures. The application is located on the edge of the farm complex in a corner of the field, which is enclosed by mature native hedgerows. There are a few residential properties located at sporadic points along the local highway network. The application site is located wholly within the open countryside.

**DETAILS OF PROPOSAL**

This is a full application for a proposed slurry lagoon at Monks Farm, Mill Lane, Hankelow. The proposed lagoon and earth bunds measure approximately 60m wide by 60m long and is 3.15m deep.

**RELEVANT HISTORY**

7/10885 – Erection of Building for Cattle Accommodation – Approved – 5<sup>th</sup> April 1984  
7/04786 – Cow Cubicle Building – Approved – 14<sup>th</sup> December 1978  
P02/1285 – Steel Portal Frame Shed (GPDO Determination) – Approval Not Required – 12<sup>th</sup> December 2002  
P05/0105 – All weather Outdoor Riding Manege (20mx40m) – Approved – 21<sup>st</sup> March 2005

## **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.5 Infrastructure  
NE.2 Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.14 Agricultural Buildings Requiring Planning Permission  
NE.17 Pollution Control  
RT.9 Footpaths and Bridleways

## **CONSIDERATIONS (External to Planning)**

**Environmental Health:** No objections providing only slurry generated on the farm shall be stored in the lagoon

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments received

## **OTHER REPRESENTATIONS**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

## **OFFICER APPRAISAL**

## **Principle of Development**

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of an agricultural building that is essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 28 of the National Planning Policy Framework states that local planning authorities should:

*'promote the development and diversification of agricultural and other land-based rural businesses'.*

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

The key issues, therefore, are whether the proposed slurry lagoon is appropriate in terms of safeguarding neighbouring amenities and the appearance of the open countryside and impact on the local highway network.

## **Need for the Proposal**

According to the applicants Design and Access Statement recent NVZ (Nitrate Vulnerable Zone) regulations come into force on the 1st January 2012 requiring livestock farms to ensure they have five months storage capacity for slurry and dirty water produced on the holding. Currently Monks Hall Farm has insufficient storage to meet these regulations and as a result the business needs to construct the new lagoon in order to meet the legislation.

## **Design**

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed location of the slurry lagoon is situated to the north west of the existing Farmstead. The proposed lagoon forms a square and measures approximately 60m wide by 60m long (which equates to an area of 3600msq) and will be 3.15m deep. The slurry lagoon will be excavated in the field. The agent has confirmed that the soil in the locality contains a high clay content, which will be used to line the base and banks of the lagoon, in order to prevent any leakage. The banks of the lagoon will be at a 45 degree gradient. The site is located within an undeveloped field in close proximity to the existing cow sheds and slurry pit. The application site is bounded on two sides by mature native hedgerows and open fields on the remaining elevations. Located immediately to the east of the application is a proposed turning area for vehicles.

According to the Design and Access Statement this location for the slurry lagoon has been chosen for a number of reasons. The position of the new lagoon has been sited adjacent to the existing cow sheds and farm buildings. The lagoon will be located immediately to the east of the livestock building, which will allow an extension to the existing slatted channels that run through the buildings to connect the proposal. Furthermore, the soil at this location has a high clay content, which will help to prevent leakage. Finally, the application site is well screened by mature native hedgerows located to the south and east. Whilst the lagoon may be visible from the public footpath, this is the type of structure expected within a farm complex. In order to assimilate the proposal into the local environment conditions relating to boundary treatment, surfacing materials and landscaping will be attached to the decision notice.

### **Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential property which may be affected by the proposal is in excess of 340m away. Therefore, it is considered given the separation distance and intervening hedgerows and trees will help to mitigate any negative externalities caused by the proposals.

Whilst there is also a farmhouse associated with the farm complex in close proximity to the lagoon (approximately 120m to the south east), as this is occupied in connection with the existing farm complex any impact on the amenities of this property is within the occupant's control. Furthermore, the Councils Environmental Health Department has been consulted and they have raised no objection to the proposal. It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

### **PROW**

The proposal is located near a public footpath. It would appear from the submitted plans that the proposal appears unlikely to affect the public right of way. Colleagues in PROW have been consulted and their comments have not yet been received at the time of writing this report. When their comments have been received they will be referred to in the update report.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed slurry lagoon is appropriate in terms of scale, form, character and appearance for the purpose it will serve. The impact on residential amenity will be marginal given the separation distances involved and the existing agricultural buildings on the site. Therefore the proposal is in accordance with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and

Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

**Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Boundary Treatment**
- 4. Landscaping Submitted**
- 5. Landscaping Implemented**
- 6. Surfacing Materials to be Submitted and Agreed**
- 7. Only Slurry Generated on the Farm to be Stored in the Lagoon**

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