

Southern Planning Committee

Agenda

Date: Wednesday, 21st November, 2012
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any 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 - 4)

To approve the minutes of the meeting held on 31 October 2012.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information

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. **12/3603C Land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach, Cheshire CW11 3QB: The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use for Martin Smith (Pages 5 - 34)**

To consider the above planning application.

6. **12/3458N Wades Green Farm, Minshull Lane, Church Minshull, Nantwich, Cheshire CW5 6DX: Erection of an agricultural building for barn egg production for Ian Hocknell, I & K Hocknell (Pages 35 - 48)**

To consider the above planning application.

7. **12/3076C Betchton Cottage Farm, Cappers Lane, Betchton, Cheshire CW11 2TW: Extension of site area and construction of a hard standing for storage of skips for Tom Gardiner, William Beech Skip Hire Ltd (Pages 49 - 56)**

To consider the above planning application.

8. **12/2225C Land at 50A, Nantwich Road, Middlewich, Cheshire CW10 9HG: Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works for P E Jones (Contractors) Limited (Pages 57 - 74)**

To consider the above planning application.

9. **12/3877N Land Adjoining The Bridge Inn, Broad Street Crewe: Extension to Time Limit on Planning Permission 10/0196N: Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers for Mr J Wartens, Two Dales Limited (Pages 75 - 80)**

To consider the above planning application.

10. **12/1650C Waterworks House, Dingle Lane, Sandbach CW11 1FY: Demolition of existing two-storey dwelling, removal of water treatment storage and settlement tanks, construction of 12 two-storey detached dwellings together with associated car parking and landscaping works, closure of vehicular access onto Dingle Lane and formation of new access onto Tiverton Close for The Waterworks Trust (Pages 81 - 98)**

To consider the above planning application.

11. **12/3431N Land to the North of Earle Street, Crewe, Cheshire CW1 2AL: Proposed new build Tool and Plant Hire unit (Use Class sui-generis), including site access, car parking, landscaping and associated infrastructure for Carl Banks, P.E.T. Hire Centre Limited (Pages 99 - 110)**

To consider the above planning application.

12. **P09/0014 Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown: Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure for R.G. Harris Ltd (Pages 111 - 126)**

To consider the above planning application.

13. **12/3164C Land South of Portland Drive, Scholar Green Cheshire: Plot Substitution of Plots 14-40 and Elevational Variations to Plots 7-13 and 41-52 of Previously Approved Application 08/0712/FUL for Ben Bailey Homes (Pages 127 - 134)**

To consider the above planning application.

14. **12/3294N Wardle Bridge Farm, Nantwich Road, Wardle CW5 6BE: Development of New Agricultural Machinery Dealership Comprising of Showroom, Workshop, Parts Counter, Ancillary Retail Sales and Office Building; External New and Used Vehicle Display Areas; Car Parking and Associated Landscaping, Following Demolition of Existing Buildings and Structures on Site for Agricultural Machinery (Nantwich) Ltd (Pages 135 - 152)**

To consider the above planning application.

15. **12/3007N Lower Farm, Whitchurch Road, Burleydam SY13 4AT: Conversion of existing redundant milking barns to create 9 residential units and subdivision of the existing farmhouse into 2 separate residential units (equating to 11 dwellings on site), with associated works for I Barton (Pages 153 - 164)**

To consider the above planning application.

16. **12/1455C Land on the corner of Moss Lane and Station Road, Elworth, Sandbach, Cheshire: Outline Planning Permission (with access from Station Road applied for) for the Erection of up to 41 Dwellings for Revelan Group PLC (Pages 165 - 180)**

To consider the above planning application.

17. **12/3740N Cedar Court, Corbrook, Audlem, Crewe, CW3 0HF: Proposed alterations to Cedar Court to provide a 35 bedroom Nursing Home within the existing building for which planning permission has been granted for a Nursing Home (Ref: 10/4845N and 11/4578N) for Morris & Company Limited (Pages 181 - 188)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 31st October, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, P Groves,
A Kolker, D Newton and A Thwaite

Apologies

Councillors D Bebbington, R Cartlidge, D Marren, M A Martin and S McGrory

74 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

Councillor Butterill declared her membership of Nantwich Town Council and Nantwich Civic Society. She also stated that she had been contacted by three residents in relation to planning application 12/2869C.

75 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting held on 10th October 2012 be approved as a correct record and signed by the Chairman.

**76 12/3227C - 1 BOUNDARY LANE, CONGLETON, CW12 3JA:
DEMOLITION OF EXISTING 3-BEDROOM BUNGALOW AND
DETACHED GARAGE AND DEVELOPMENT OF FOUR 3-BEDROOM
SEMI-DETACHED HOUSES FOR J HAYES, NORTHMEADOW LTD**

Notes: 1. Councillor D Brown (Ward Member), Mrs S Cooper and Mr A Wood (Objectors) and Mr I Ankers (Applicant's representative) attended the meeting and addressed the Committee on this matter.

2. Councillor Clowes arrived at the meeting shortly after the Planning Officer had commenced his presentation on this item and therefore took no part in the debate nor voted on the application.

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

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

1. The proposed development by virtue of its density, relationship to adjacent property and the prominence within the street scene is considered to represent an overdevelopment of the site that does not respect the character, appearance and form of the surrounding area. The development is therefore contrary to Congleton Local Plan Policy GR2.
2. The development will have a detrimental impact on the amenity of the occupiers of No. 42 Boundary Lane by virtue of its close proximity leading to a loss of privacy. The development is therefore contrary to Congleton Local Plan Policy GR6 and the adopted Supplementary Planning Guidance.

77 12/2936N - WRIGHTS LOW TEMPERATURE COLD STORE, FIRST AVENUE, CREWE, CW1 6BG: DEMOLITION OF COMMERCIAL PREMISES AND EXTENSION OF EXISTING COLD STORE ONTO ADJOINING SITE. INCLUSION OF 2 NEW MARSHALLING BAYS AND ADDITIONAL COLD STORAGE FOR PETER WRIGHT, WRIGHTS

The Committee considered a report regarding the above planning application.

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

- 1 Commence development within 3 years
- 2 Development in accordance with agreed drawings
- 3 Materials as stated in the application
- 4 Submission of details of external lighting
- 5 Submission of details of the acoustic enclosure of and other equipment with the potential to create noise

78 12/2869C - LAND SOUTH OF PORTLAND DRIVE, SCHOLAR GREEN: VARIATIONS TO ELEVATIONS OF DWELLING PLOTS 1-6, 53-56 OF PREVIOUSLY APPROVED APPLICATION 08/0712/FUL FOR BEN BAILEY HOMES

Note: Mr C Oxley (Applicant's representative) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update, noting a short descriptive paragraph concerning details of the proposal which had been omitted from the report.

RESOLVED: That, for the reasons set out in the report, the application be APPROVED subject to the requirements of the Section 106 Agreement and the following conditions –

- 1 Standard time limit
- 2 Development in accordance with the approved plans
- 3 Submission and approval of external materials and finishes
- 4 Submission of details of landscaping to include details of boundary treatments

- 5 Submission of arboricultural statement for retained trees
- 6 Details of drainage
- 7 Hours of piling restricted
- 8 Hours of construction restricted
- 9 Gas monitoring
- 10 Protected species
- 11 No works within bird breeding season without survey
- 12 Submission of details of levels

79 P09/0014 - LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN, CREWE: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW BUILDINGS AND REDEVELOPMENT OF EXISTING LINK HOUSE TO PROVIDE 35 APARTMENTS AND TWO RETAIL UNITS WITH ASSOCIATED INFRASTRUCTURE FOR R.G. HARRIS LTD

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

In the course of the presentation and debate, reference was made to Wulvern Housing. In the interests of openness, Councillor Groves declared that he was a Board member of Wulvern Housing and would therefore abstain from voting on the application.

RESOLVED: That, contrary to the planning officer's recommendation to approve, the application be DEFERRED for the following reason:

To seek clarification in respect of the reasons for the proposed reduction in the number of affordable units.

80 PROPOSED DEED OF VARIATION TO THE SECTION 106 AGREEMENT TO ALLOW FOR A REDUCTION IN THE NUMBER OF AFFORDABLE UNITS AT MARSH FARM, NEWCASTLE ROAD, CONGLETON

Note: The Chairman reported that a request had been received from Mr K Allen to speak at the meeting after the specified deadline. The Committee was invited to approve the request.

RESOLVED: That Mr K Allen be permitted to address the Committee in accordance with public speaking rules.

Mr Allen (Applicant's representative) was in attendance and addressed the Committee on this matter.

The Committee considered a report concerning a proposed Deed of Variation to a Section 106 Agreement approved on 21 July 2010 by the Southern Planning Committee in respect of planning application 09/4240C (Marsh Farm, Newcastle Road, Congleton).

RESOLVED: That APPROVAL be granted for a Deed of Variation to the Section 106 Agreement linked to application 09/4240C to allow for plot 44 to be allocated as social rented housing and plot 35 to be released for open market sale.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor G Merry (Chairman)

Application No: 12/3603C

Location: Land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach, Cheshire, CW11 3QB

Proposal: The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

Applicant: Martin Smith

Expiry Date: 13-Nov-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site History;
- Procedural Matters;
- Main Issues;
- Principle of Development;
- Sustainability;
- Impact on the Character and Appearance of the Open Countryside;
- Assessment;
- Dayrooms/Utility Blocks;
- Refuse Stores;
- Amenity;
- Ecology;
- Demonstrable Need;
- Human Rights and Race Relations;
- Precedent;
- Highways;
- Gas Pipeline;
- Drainage; and
- Other Matters

REFERRAL

The application has been referred to Committee at the discretion of the Development Management & Building Control Manager due to the considerable public interest in the application, and the current limited policy position with regard to Gypsy/Traveller Sites.

DESCRIPTION OF SITE AND CONTEXT

The application site lies in an area of open countryside approximately 4.8km northwest of Sandbach. The application site is located on the south side of Dragons Lane which forms its northern boundary. The site is bounded to the east and south by open fields. The application site has an area of 0.64 hectares in an ownership of 1.66 hectares. The northern site boundary is demarcated by mature native hedgerows. Located immediately to the west of the site is a static caravan and pergola (at the time of the site visit). The application site is located wholly within the open countryside.

This is a full application for the use of land for the stationing of caravans for residential purposes for 4no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use at land on the south side of Dragons Lane, Dragons Lane, Moston, Sandbach.

RELEVANT SITE HISTORY

12/0971C - The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use - Refused – 19th June 2012

POLICIES

National Policy

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

National Planning Policy Framework
Planning Policy for Traveller Sites

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Congleton Borough Local Plan First Review 2005:

- GR1 (New Development)
- GR2 (Design)
- GR6 (Amenity and Health)
- GR9 (Accessibility, Servicing and Parking Provision)
- GR17 (Car Parking)
- GR19 (Infrastructure)
- GR20 (Public Utilities)
- PS8 (Open Countryside)
- H6 (Residential Development in the Open Countryside and the Green Belt)
- H7 (Residential Caravans and Mobile Homes)
- H8 (Gypsy Caravan Sites)

Structure Plan

HOU6 (Gypsy Caravan Sites)

Other Documents

Interim Strategy on Gypsy and Traveller Accommodation Needs

CONSIDERATIONS

Highways: No objections subject to conditions relating to the access being constructed prior to occupation and under a Section 184 licence, the access as per the drawings and any gates set back 5.5m and open inwards.

United Utilities: No objections

Gypsy Liaison Officer: No objections subject to a condition for temporary consent only.

Environmental Health: No objection subject to conditions relating to hours of construction and details of external lighting to be submitted and approved.

If planning permission were granted a site licence would be required under the Caravan Sites and Control of Development Act 1960. The site licence will have to be in the name of the land owner. The following conditions will need to be taken into consideration that may have a bearing on planning:

1. **Site boundaries**, should be clearly marked i.e. with fences or hedges.
2. **Roads, gateways and footpaths** must be of suitable material/construction, be of a minimum width of 3.7 metres, be suitably lit and have adequate access for emergency services etc. Suitably surfaced parking spaces shall be provided where necessary to meet the additional requirements of the occupants and visitors.
3. **Drainage sanitation and washing facilities.** There must be provision of a foul drainage system made. Prior to its installation details of the foul waste package plant shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Each caravan standing should be capable of being connected to foul drainage. Where this provision is for a mobile home/chalet type then this connection **MUST** be made. Each caravan standing should have it's own water supply, W.C, W.H.B, shower or bath (hot & cold water). Where the WC and related WHB facilities are not present, or there is a cultural aversion to these facilities being provided with in a caravan/mobile home they should be provided in an building that meets building regulations, thus giving it suitable insulation and frost protection. Each hard standing should have adequate surface water drainage.
4. **Hard-standing.** Every caravan should stand on a concrete or other suitable hard-standing which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from its entrance to enable occupants to enter and leave safely.

5. **Miscellaneous** The four pitches will remain under one ownership for the lifetime of the site.

There should be a minimum distance of 3 metres from the siting of a caravan/mobile home to the boundary of the site.

Clarification that the amenity space is included within the application area is required and this will be maintained as and when necessary.

Contaminated Land: 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 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.

Canal and River Trust: No comments to make

Environment Agency: No objections subject to a condition relating to drainage

National Grid: No objections subject to the following comments/informatives

- No buildings should encroach within the Easement strip of the pipeline – Feeder 21 Elworth to Mickle Trafford and Feeder 21 Warburton to Audley
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- A National Grid representative will be available to monitor the works to ensure they comply with our specification T/SP/SSW/22.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.

- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Indemnity is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- CP (Cathodic Protection) Interference Testing may be required, both pre and post energisation of the wind turbine generators. Any mitigation measures must be implemented immediately in accordance with:

British Standards

- BS EN 13509:2003 - Cathodic protection measurement techniques
- BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures – General principles and application for pipelines
- BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications
- National Grid Management Procedures

VIEWS OF THE PARISH COUNCIL/TOWN COUNCIL

Warmingham Parish Council objects for the following

Applications 12/3847C and 12/3603C (re-submission of 12/0971C) should be considered together as they are in effect on the same field. The potential for expansion of the site to its full size of 11 acres by any number of small applications or, indeed, unauthorised occupations, is a very real possibility and therefore a problem which must be considered.

The previous submission by Warmingham Parish Council regarding 11/3548C and 12/0971C, a copy of which is included, holds good for both the new applications.

The site referred to as Land off Dragon's Lane (12/3603C) is for four pitches i.e. eight more caravans and associated vehicles. The site referred to as Thimswarra Farm (12/3847C) has recently been granted permission, following appeal, for one gypsy family only, with one residential pitch and no more than two caravans in total, but is now applying for an extension of the site to accommodate two more pitches i.e. four more caravans and associated vehicles.

The judgement found that that "the presence of a mobile home and touring caravan on the appeal site would be likely to cause discernible, albeit limited, harm to the character and appearance of the countryside" and conflicted with "saved LP Policies H8, GR1 and GR2 and national policy in the PPTS and NPPF."

The inspector found that "the occupiers of the appeal site would rely almost exclusively on private motorised vehicles for day-to-day travel needs" thus breaching the principles of sustainability for such sites. He found that this adverse effect on the countryside would be limited by the fact that "the scheme concerns only a single gypsy/traveller pitch."

He also found that the site may have no access to mains electricity and that "this might necessitate the use of a small generator which, inevitably, could cause noise." An increase in the number of pitches - a possible 14 caravans in total considering both applications 12/3847 and 12/3603C - could lead to a much larger noise pollution issue.

If this extended site had been the subject of the appeal, it is clear that the conflict with the regional and national saved policies regarding sustainable development would have been given more weight and may well have led to the appeal being refused. So, this further application coming so soon after the appeal judgement is an obvious attempt to navigate around the planning rules, which are there to prevent the encroachment of development on the open countryside.

The inspector found that there was a substantial need for gypsy and traveller pitch provision in Cheshire East, but this does not equate to a need for more provision in the Brereton Rural Ward and, more particularly, in Moston Parish, especially when other wards have few or no traveller sites. Brereton Rural and Moston are well served by existing traveller sites, at least one of which has vacant pitches.

The issue of English versus Irish travellers should not be acceptable as an argument for these pitches being unavailable for certain categories of gypsy - this would not be allowed in any other area of civil interaction under the discrimination laws.

The inspector also found that the "location of the appeal site is far from ideal." Such being the case, CEC should not have abandoned its search for more appropriate sites. A well-run council site, with clear boundaries, would fulfil the Borough's obligation to provide more pitches far better than allowing the intrusion on open countryside of sites where enforcement of planning conditions is extremely problematic.

The inspector concluded "that planning permission should be granted for the residential use of the land for a temporary period of four years, to cater for the Appellant's short term needs" only. He also found "there to be a significant difference between the two schemes in terms of scale and detail" referring to Applications

11/3548C and 12/0971C.

That “significant difference” therefore means that the appeal judgement should not be used as a precedent for resolving this and any further planning applications relating to this site or adjoining sites. The conditions attached to the decision state that “to minimise conflict with the principles of sustainable development, the residential element of the use must be restricted to a single pitch with no more than two caravans, only one of which shall be a residential mobile home” and that “no commercial use, other than the parking of one commercial vehicle used by the residential occupiers of the site and storage of equipment therein, shall take place on the site.”

This is a very strong endorsement of the fact that the 2 larger sites (12/3847 C and 12/3603C) currently under consideration would have an unacceptable impact on the character of the area and the safety of nearby lanes.

Moston Parish Council objects for the following reasons:

Moston Parish Council urge the Borough Council to refuse this application on the following grounds:-

We believe this is a resubmission of application 12/0971C which was refused in June 2012.

The decision notice for application 12/0971C states that the "location of the site represents an unsustainable form of development", was "contrary to policies GRI, H8, and HOU6 and the guidance contained within the National Planning Policy Framework relating to sustainable development and paragraphs 11, 21 and 23 of the Planning Policy for Traveller Sites".

The resubmission is accompanied by a covering letter stating that "This application has been resubmitted as appeal decision APP/R0660/A/12/2173171 on the adjoining land represents a material change in circumstances. Given that the two refusals were on similar grounds we now expect a grant of permission to follow." The grounds are not similar and there is no reason for a grant of permission.

There are significant differences between the recently approved appeal site (Thimswarra Farm) and this resubmitted application.

the appeal decision only grants temporary permission for 4 years.

this permission was granted for one pitch/one family because it was a very small development which would reduce its local and environmental impact

the appeal was allowed specifically to provide a settled base for one family to benefit from educational and health care opportunities.

the resubmitted application 12/3603C is entirely different in size.

it is for a much larger site, for 8 caravans, 4 brick utility buildings,

it involves the creation of a new entrance.

it will bring more traffic onto country lanes.

this application is totally inappropriate to a green field site with no facilities. It will seriously affect the character and appearance of the open countryside. As a location it is totally

unsustainable as has previously been ruled and is contrary to paragraph 21 (NPPF/PPTS). It is not close to health, educational or satisfactory shopping facilities. There is no public transport, no street lighting or pavements/walkways.

because of its size it cannot be said to comply with paragraph 23 (NPPF/PPTS) which states that local planning authorities should strictly limit new Traveller site development in open countryside.

If this application were allowed (in addition to the approved appeal site) it will dominate the local settled community with no hope of promoting peaceful and integrated co-existence and would place undue pressure on the local infrastructure contrary to paragraphs 11 and 23 (NPPF/PPTS).

A further material consideration has arisen. Application 12/3847C has been made to extend the appeal site (Thimswarra Farm) by another 2 pitches (4 caravans, hard standing, extended driveway etc.).

Planners, Inspectorate and other authorities have constantly said that each application should be judged on its own merits. This is now not the case as the applicant for application 12/3603C bases his resubmission on the Thimswarra appeal decision. If this resubmitted application is allowed and also the extension of Thimswarra Farm, the number of units on this greenfield site will be 19 (14 caravans, 4 buildings and 1 substantial stable block, parking for at least 14 vehicles plus all the attendant hard standing, driveways, utilities and amenities).

So far Councillors have had the good sense to refuse the applications but Moston Parish Council and residents have found it an uphill and ongoing struggle. The Council has failed to provide a plan to meet targets for Gypsy and Traveller provision (GTAA). This is being used to override all considerations of suitability, use of the open countryside, as well as the interests and views of the local community.

OTHER REPRESENTATIONS

77 Letters of objection have been received regarding the proposed development. The salient points raised in the letters of objection are:

- The proposal would detract from the essentially agricultural nature of the area;
- The application requires the fundamental change of use of a field from agriculture to developed residential occupancy;
- This is the same application as the one which was recently refused;
- The proposal will dominate the local area and the settled community;
- The proposal is a commercial operation;
- Other sites in the area are not being fully utilised;
- The GTAA is out date and ambiguous and is open to legal challenge;
- The proposal will lead to an increase in fly tipping and litter;
- Too much development in the locality already;
- The site is totally unsustainable;
- The proposal is contrary to national and regional policy;
- The previous site was approved due to it being for only one family;
- There are already a large number of Traveller sites in the locality;
- There is no existing infrastructure;

- Brownfield sites should be used before Greenfield sites;
- There is no requirement for additional sites in the locality;
- The previous applicant was ordered off the site due to it being a Greenfield site and objections from residents;
- The Planning Department have not advised against this application in order to reduce Cheshire East's obligations to meet target numbers of Traveller pitches;
- The roads are very narrow in the locality and the proposal will exacerbate highway safety issues;
- The proposal is more akin to a small housing estate in the open countryside;
- The proposal if allowed would open the floodgates to similar development;
- There are already Traveller sites not being used to full capacity;
- Moston is an Area of Natural Outstanding Beauty;
- The proposal will lead to high demand for local facilities;
- All the reasons for refusal remain the same: unsustainability, remoteness from essential services, damage to the character and appearance of the open countryside, size, domination of the local settled community, pressure on local infrastructure, abuse of a greenfield site, environmental and ecological damage. If this application (12/3603C) is to be judged on its own merits as we are always being told is the case, then it should be refused;
- The applicant has chosen the expedient route deciding not to appeal the original refusal (costly and time-consuming) but to resubmit the application because of a recent Appeal decision on adjoining land in the same field (APP/R0660/A/12/2173171 – Thimswarra Farm);
- The applicant attempts to justify this resubmission because he claims that the two sites had been refused on similar grounds. Apart from the fact that his application was refused on the additional grounds that it was contrary to latest guidance in the NPPF/PPTS (paragraphs 11, 21, 23), there are huge differences in the two sites and reasons for refusal;
- They differ significantly in size, scale, design, and purpose. In his Decision on the Thimswarra appeal, the Inspector drew attention to these differences and stated specifically (in paragraph 46) that the Appeal site could not be used as a precedent for the much larger site application (12/0971C now 12/3603C);
- The permission for the Thimswarra site is temporary for 4 years. It was granted because of a single family's claimed needs and because it was such a small development. The Appeal Decision is littered with references to 'single pitch', 'one family', 'limited scale', and 'small size of development'.
- Its not fair that Travellers are given preferential treatment;
- The current application should be refused on the same grounds as the previous application. Furthermore, due to the materials, scale and design make the proposal even more unacceptable in the open countryside. The proposal is not in keeping with the local environment;
- The proposed caravans and buildings will appear as alien and inappropriate development out of keeping with the local environment;
- The site have a detrimental impact on the character and appearance of the area;
- The proposed access involves the removal of large swathe of native hedgerow and the bridging of an established roadside ditch of at least 1m. This would require major construction work and involve the destruction of established field lines and habitats;
- The application site is located in a wholly unsustainable location and is contrary to both local and national policy;

- The claim in the applicant's Design & Access statement that there is a recognized need for this type of development in the area must be rejected. The Parish of Moston has within or close by a disproportionate number of gypsy/traveller pitches in relation to other areas of Cheshire East.
- The previous application for planning was deemed an inappropriate and unsustainable residential development in open countryside, then surely this application, which is far larger, should also be rejected on the same grounds;
- The development would have a negative impact on the surrounding countryside and there is an abundance of unoccupied caravan pitches on well equipped and well managed traveller caravan sites within a distance of less than two kilometres of Dragons lane;
- I believe if we allow 4 caravans to use this land it will just escalate out of control and more and more caravans will take up residence as they have done in other areas of Cheshire
- Amenities such as electricity, water, and waste would need to be supplied and the collection of refuse. The utility/day rooms are these to be paid for by the council or by the applicants including council tax;
- I believe there is a Gas pipeline running across this area which if disturbed could become a hazard;
- The Gypsy community is already being well catered for in the area and there are several sites which currently operate close to the land proposed in this application. These sites most certainly do not seem to be over crowded and any potential residents would find space. Moston is one of the few areas around which still holds a vested agricultural interest and the land surrounding should be encouraged to continue in this vein as opposed to granting planning applications of these sorts which inevitably have a snowball effect.
- I believe consultees should know the address of the Applicant. In the Application the Applicant states via the Agent that he is the owner of the proposed development site. If this is his address then I would like to know if he is living there legally. There is currently a caravan and building adjacent to the proposed development;
- The existing caravan and building are not shown on the Site Layout.
- The application forms have been completely incorrectly and the Design and Access statement is misleading;
- The application site is located within the open countryside. The Local Plan seeks to safeguard the countryside for its own sake and keep development to a minimum in order to protect its character and amenity. The establishment of permanent, brick built day rooms and the siting of mobile homes will diminish from the openness and character of the area;
- In accordance with the Planning Policy for Traveller Sites issued by Central government in 2012 Cheshire East is required to "use a robust evidence base to establish accommodation needs [to inform the preparation of local plans and] make planning decisions". There is no supporting evidence that there is a need other than the applicants own wishes. Until such time that all available traveller sites in the council area are fully occupied (with residents), no new sites should be approved;
- Moston already has 7 Gypsy sites within 3 miles of the village. Any further additions to this would only further add tensions and have a negative impact on the relationship between the residents and the Gypsy's. The ratio of Gypsy's in the area is very high in comparison to other areas of the Cheshire East Council and as part of the Government's plans to reduce tensions surely this would be more beneficial to be spread out as opposed to be concentrated in an area.

- Moston is a very small rural village with no amenities what so ever. Further planning application of any description should be seriously considered for their viability let alone an application for up to 8 families/homes. The roads are already in a poor state of repair and have to withstand a surprisingly high volume of traffic from people taking short cuts to HGV's in the area;
- There are already over 3 gypsy caravan sites within 2 miles of the proposed new open countryside site and these existing sites have adequate empty pitches so there is no need for any additional sites;
- The great number of gypsy sites in the area is causing local unrest and further destruction of Cheshire open countryside is undesirable;
- For waste products a large Water Treatment Plant is proposed. The volume of waste from a site with potentially 20+ inhabitants a soakaway would be inadequate to manage the resultant effluent due to the high water table and heavy clay soils. This could potentially be a health hazard;
- As the police will no doubt inform you the crime rate has soared in the vicinity. We ourselves have been victims of theft;
- There are 4 brick built 8 x 5 m buildings which are totally unsuitable for a countryside location. Coupled with the parking hard standing, refuse bays and roads on the site it will resemble a small housing estate – in open countryside & isolated from the village envelope. It will no doubt be a blot on the landscape;
- Approval of this application would lead to increased tensions between the Gypsy population and local residents who would feel aggrieved that the countryside had been spoilt by this development. It should also be noted that the Moston / Middlewich area already has more than its fair share of Gypsy sites – none of which appear to be near capacity;
- I have been unable to find a planning notice attached to the site during the consultation period.
- An Environmental survey would raise further issues that are as yet not apparent, however, by the very presence of such a compound and unsuitable use the natural habitat and wild life would be significantly affected;
- If the proposal is allowed it will set a precedent for similar developments in the locality;
- The lanes giving access to this site are unsuitable for the sort of traffic the development would generate;
- The intrusive development is contrary to policies GR1 and GR2 of the adopted Congleton Borough Local Plan;
- The Council have already made a ruling that this is an unsuitable site for development;
- The Council should be consistent with their previous decision and refuse this application;
- The proposal is not in keeping with the rural vernacular and will have a detrimental impact on the visual character and appearance of the area;
- The proposal if allowed will affect property values in the area;
- The proposal will have a significant detrimental impact on the enjoyment of residential amenities;
- The area is swarming with Great Crested Newts and no Protected Species Survey has been submitted with the application.

Action Moston

This application is a resubmission of application 12/0971C that was refused by the Southern Planning Committee in June 2012.

The decision notice for application 12/0971C states that “the location of the site represents an unsustainable form of development” and was “contrary to policies GR1, H8, and HOU6 and the guidance contained within the National Planning Policy Framework relating to sustainable development and paragraphs 11, 21 and 23 of the Planning Policy for Traveller Sites”.

The resubmission is accompanied by a covering letter stating that “This application has been resubmitted as appeal decision APP/R0660/A/12/2173171 on the adjoining land represents a material change in circumstances. Given that the two refusals were on similar grounds we now expect a grant of permission to follow.” The grounds are not similar and there is no reason for a grant of permission.

1. There are significant differences between the recently approved appeal site (Thimswarra Farm) and this resubmitted application:
 - a) the appeal decision only grants temporary permission for 4 years
 - b) this permission was granted for one pitch/one family because it was a very small development which would reduce its local and environmental impact
 - c) the appeal was allowed specifically to provide a settled base for one family to benefit from educational and health care opportunities
 - d) the resubmitted application 12/3603C is entirely different in both size and purpose
 - e) it is for a much larger site, for 8 caravans, 4 brick utility buildings, at least 8 parking spaces, hardstanding, as well as driveways, refuse and sewage disposal facilities, water and electricity supplies
 - f) it is the size of a small housing estate turning a piece of prime agricultural land in the open countryside into an intensive and intrusive residential site
 - g) it involves the creation of a new entranceway and the grubbing out of native hedgerow
 - h) it will bring more traffic onto overburdened country lanes
 - i) the application is not designed to provide an established base for one family and its needs but is intended as a site for lettings by one owner landlord. The design and access statement specifies no individual or family need. It merely states that the pitch occupants wish to maintain ‘a gypsy lifestyle’.
2. This application is totally inappropriate to a green field site with no facilities such as electricity or tapped water. It will seriously affect the character and appearance of the open countryside. As a location it is wholly unsustainable as has previously been ruled and is contrary to paragraph 21 of NPPF/PPTS. It is not close to health, educational or satisfactory shopping facilities. There is no public transport, no street lighting or pavements/walkways.
3. Because of its size it cannot be said to comply with paragraph 23 of NPPF/PPTS which states that local planning authorities should strictly limit new Traveller site development in open countryside.
4. The land and countryside will be adversely affected by this application because of its scale, extensive hardstanding and driveways and the damage to native and long standing hedgerows and wildlife habitats. There is no evidence that the applicant has conducted any surveys concerning bio-diversity and geological conservation. The statements on the application form concerning trees and hedges are incorrect.

5. If this application is allowed (in addition to the approved appeal site) it will dominate the local settled community with no hope of promoting peaceful and integrated co-existence and will place undue pressure on the local infra-structure contrary to paragraphs 11 and 23 of NPPF/PPTS.
6. A further material consideration has arisen. Application 12/3847C has been made to extend the appeal site (Thimswarra Farm) by another 2 pitches (4 caravans, hardstanding, extended driveway etc.).
7. Planners, Inspectorate and other authorities have constantly told us that each application should be judged on its own merits. This is now not the case as the applicant for application 12/3603C bases his resubmission on the Thimswarra appeal decision. We therefore have the right to object to all these linked applications and again point out that they are adjoining and in the same field. If this resubmitted application is allowed and also the extension of Thimswarra Farm, the number of units on this greenfield site will be 19 (14 caravans, 4 buildings and 1 substantial stable block), parking for at least 14 vehicles plus all the attendant hardstanding, driveways, utilities and amenities. There is also another 5 acres in this field which is being sold off piecemeal.
8. The withdrawal of plans for a Traveller site at Coppenhall and the failure to seek any other suitable site has led the Council to seize the opportunity of windfall sites that they do not have to purchase, develop or maintain. Cheshire East Council has failed to provide a plan to identify and deliver suitable sites to meet Gypsy and Traveller needs. Consequently, they have been forced to rely on the out of date and unreliable GTAA target figures. These have been used to override all considerations of suitability, sustainability, use of the open countryside, as well as the interests and views of the local community. The Localism Act 2011 urges Councils to consult with local people who are affected. Cheshire East Council is failing the residents and ratepayers of Moston by not giving any weight to their views.

An Email dated 1st November 2012 From Action Moston

As you will be aware, since the introduction of the Localism Act (2011) the power to decide on local issues has been decentralized and local councils are now able to set their own agendas, dependent upon their own regional needs. The Act urges councils to engage in full consultation with neighbourhoods in order that local people are able to influence the planning decisions which directly affect them.

In the past a Regional Spatial Strategy (RSS), although never approved and awaiting revocation, was used to create long-term plans for an area and, in order to determine the needs of the Gypsy and Traveller communities (GTC), the Office for the Deputy Prime Minister ordered the creation of Gypsy and Traveller Accommodation and Related Services Assessments (GTAAs). One of the functions of the GTAA was to identify the number of pitches that would be required for each region. In 2006, Salford University was commissioned to compile the North-West's version of the report. Over the past few years the GTAA has been used as an unquestioned reference to the exact number of Gypsy and Traveller pitches that will be required by 2016.

There are a number of points that we wish to draw to your attention.

The GTAA was commissioned by Central Government. Therefore due to the Localism Act, Local Authorities are no longer required to use the figures in the GTAA as a benchmark.

In 2009 two of the authors (Niner and Brown) of our regional GTAA wrote a critical review of it entitled "First steps towards regional planning for Gypsy and Traveller sites in England (2009)." This concluded that whilst the GTAA was a reasonable starting point for collecting a range of data about the GTC they did not use a reliable and robust method of collecting that data.

They claim that there is no reliable way to calculate the actual need for pitches, partly because of the lack of effective relations between planning and the GTC and partly because there is no idea of their actual population numbers. It is very difficult to assess the needs of a population which is by its very definition travelling. Niner and Brown point out that GTAA's were regionally conducted. However, the GTC cannot be expected to plan their journeys based on the varying findings of the different local authorities.

The following excerpt from this article sums up the effect of these issues:

"The level of predictability implied in making precise estimates of pitch requirements may simply not apply to Gypsies and Travellers, whose whole culture is based on adaptation to circumstances rather than long-term future plans and intentions." (Niner and Brown, 2009)

They concluded that the poor structure of the GTAA rightly leaves it open to be challenged.

National Planning Policy Framework 2012 (NPPF) reinforces the Localism Act and, in its introduction to the specific section on Planning Policy for Traveller Sites (PPTS), it states that Local Planning Authorities should make their own assessment of need for the purposes of planning. They should also use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. The NPPF/PPTS also states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites against their locally set targets. Cheshire East Council (CEC) has so far failed to produce a local plan and local targets to meet GTC needs. Recent attempts to provide sites have been ad hoc and unsuccessful. Failures to secure the Saxon Cross bid and the withdrawal of the application at Parkers Road, Coppenhall, have exacerbated the situation. We fear that 'windfall sites', often on totally unsuitable agricultural land, are now being seen as an easy and cheap option.

Open countryside, green-field and green-belt, are all highly protected areas unless an argument can be made for "exceptional circumstances". As the GTAA has been criticised by its own authors as not fit for purpose, it should not be used as proof of an exceptional circumstance i.e. lack of available sites/shortfall of target pitches.

We now turn to the implications of the issues we raise above.

We have been resisting unsuitable gypsy/traveller applications for residential development in an unsustainable location in the open countryside since 2009. Some of you will be aware of these applications on a large field on Dragons Lane/Plant Lane, Moston, Sandbach, Cheshire. These are applications 09/2358C, 11/3548C, 12/0971C, 12/3603C and 12/3847C.

Application 11/3548C (Thimswarra Farm) has been granted temporary permission for 4 years on Appeal and this has resulted in a resubmission of 12/0971C (with the new number 12/3603C) and a new application to extend the Thimswarra appeal site (12/3847C).

Our attempts to resist these applications are being seriously hindered by:

The heavy reliance by the Planning Department, the Inspectorate and the Applicants themselves on GTAA figures (now we hope we have proved as unreliable and defunct) Cheshire East Council's lack of a clear and well defined strategic plan for identifying suitable and sustainable site provision for delivery over the next 3 to 5 years
A seeming reluctance by Cheshire East Council to embrace and implement modern legislation as contained in the Localism Act and NPPF/PPTS.

In his recent decision on Appeal APP/R0660/A/12/2173171 (Thimswarra Farm - 14 September 2012) the Planning Inspector clearly states the exceptional circumstance for allowing the temporary permission of the site for four years was in order to give the Council a three year time frame for providing alternative, suitable permanent sites.

Although we are aware that there is, at present, a move to produce a strategic plan and submit planning applications for sites, we fear this is in such an early and unformed stage it will not assist in preventing the unsuitable developments we are resisting. We are deeply concerned that Cheshire East Council will allow the development of this field and these sites as an easy option in the meantime. We do not have 2000 local residents to protest. This is a small hamlet with just a small population, highlighting the fact that further development will overwhelm the area and its residents. Do not assume, however, that the lack of residents equals a lack of opposition to this development.

We need Cheshire East Council to accelerate its planning process and provide a clearly defined and achievable plan for Gypsy & Traveller provision within a determined time scale and sooner rather than later. We ask for assurances that it is fulfilling the requirements of the Localism Act and is responding to local interests and needs. We demand that it no longer relies on faulty data and it complies with the guidance in the NPPF concerning sustainable development and the strict limits to be applied to development in the open countryside. We request that Planning Department Officers representing Council cases at Committee and at Appeal be conversant with new legislation, are fully briefed and able confidently to outline the Council's prepared plan for site provision or at least able to demonstrate that one is in progress. We also question why the Council is not attempting to secure brownfield sites which are recommended in the NPPF/PPTS and for which we understand that there is Central Government funding. There are numerous such sites in Cheshire East.

Unless Councillors and Officers take action, irreversible damage will be inflicted on the countryside and Cheshire East residents. If Cheshire East Council had fulfilled its obligation to the people it represents and already provided suitable new sites then we would not be in this situation now.

APPLICANTS SUPPORTING INFORMATION

Design and Access Statement

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

OFFICER APPRAISAL

Site History

Members may recall that a similar application (12/0971C) was submitted on the same parcel of land. This application was for the use of land for the stationing of caravans for residential purposes for 4no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use. This application was refused planning permission on the 19th June 2012 by Members of the Southern Planning Committee for the following reason:

'The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within the National Planning Policy Framework relating to sustainable development and paragraphs 11, 21 and 23 of the Planning Policy for Traveller Sites'.

Located immediately to the west of the current application site was another site for 1no. gypsy pitch, which was also refused planning permission by Members of the Southern Planning Committee on the 15th February 2012 and was subsequently granted temporary consent upon Appeal (APP/R0660/A/12/2173171) on the 14th September 2012 for a four year period.

In reference to the above Appeal the Inspector concluded that *'the Appellants pressing need for settled site provides the justification for granting planning permission in this case'*. However, the Inspector went on to state *'I must bear in mind that Policy H of the PPTS specifies that new traveller site development in open countryside should be strictly limited and that, consequently, the location of the appeal site is far from ideal. It is also pertinent that new pitches are likely to become available through the development plan process by 2015. This being so, I conclude that planning permission should be granted for the residential use of the land for a temporary period of four years, to cater for the Appellant's short term needs. This also provides the Council with a reasonable opportunity to deliver site allocations as part of the development plan'*.

Therefore, whilst the Inspector acknowledged there was a need for the additional pitches, he tempered this by stating additional, more sustainable sites may come forward over the next few years.

There has not been any change in policy or other material circumstances to differ from the opinion made by the Inspector. It is the decision of the LPA to determine how much weight should be given to various factors. However, it is considered that given the factors cited above considerable weight must be afforded to the Inspectors decision and it cannot lightly be put aside.

Procedural Matters

A number of objectors have stated the location and block plans submitted with the application are incorrect. They make specific reference that the caravan and other associated

development, including the decked area and pergola on the adjoining parcel of land are not shown.

Whilst the location and block plans should wherever possible be accurate the application is submitted in relation to development located within the defined application area denoted by the red line. It is not a requirement of the Town and Country Planning Applications Regulations 1988 or the Council's validation documents to ensure that all buildings/structures outside the application area are shown accurately and/or correctly named. Buildings around the site are shown to help locate the application site but the detailed relationship of individual buildings to the application site will need to be assessed by means of a site inspection.

Therefore, whilst it is acknowledged that the applicant has not shown the adjacent caravan on the location or block plans. It is not considered that local residents have been prejudiced and all their comments have been taken into account.

Main Issues

The main issues in this case are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area; and
- (c) Whether, if there is any harm and conflict with policy, there are material considerations which outweigh the harm and conflict, including the need for more gypsy sites in the area, the likelihood and timescale for identified needs to be met through the development plan system, the applicants and intended occupiers personal and family circumstances and accommodation alternatives.

Principles of Development

As with national planning guidance, Policy PS8 (Open Countryside) of the Local Plan seeks to safeguard the countryside for its own sake and prevent non-essential development that may cause harm to the character and appearance and openness of the countryside.

However, policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, rural settings are acceptable in principle for gypsy and traveller caravan sites. The applicant argues that a degree of harm to the character and appearance of the countryside is unavoidable but points out that Government advice suggests that in most cases this visual harm can be satisfactorily mitigated with appropriate landscaping. However, whilst the need for gypsy and traveller accommodation is a consideration, both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services.

Sustainability

Planning Policy for Travellers Sites clearly enunciates that travellers sites should be sustainable economically, socially and environmentally and states that local authority planning policies should

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

It is clear that the key principals of national and local planning policies are to promote sustainable patterns of development in order to reduce the need to travel and the dependence on the private car. It is noted that buses travel along Dragons Lane at various intervals in the day. The nearest service centre to the application site is Elworth and there is a distance of approximately 2.4km separating the two sites. Therefore, it is considered that the application site is in an isolated rural setting and is removed from any settlement, shop(s), school(s), community facilities or place(s) of employment. Dragons Lane is typical of many rural highways being twisty, unlit and without footways. The road is wide enough for vehicles to pass each other with relative ease.

As previously stated the Planning Policy for Traveller Sites has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that '*Local Planning Authorities should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan*' (paragraph 23). However, it does not state that gypsy/traveller sites cannot be located within the open countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any

disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

The Inspector on the recent appeal found that sustainability objectives in terms of travel distances to facilities were not met. Furthermore it was found that the Dragons Lane was not a safe place to walk due to high vehicle speeds, and also that the designated cycle route was unlikely to be used by young families.

It is considered that the location of the site is such that it is almost inevitable that the private car will be needed to access even those facilities relatively close to the site. It is generally acknowledged that as distance increases the likelihood of car use becomes generally greater. According to Policy H.8 (Gypsy Caravan Sites) criterion (x) states that proposal should be *'wherever possible, within 1.6km (1 mile) of existing local shops, community facilities, primary school and public transport facilities'*, the advice is qualified by the term *'wherever possible'*. It does not therefore rule out sites which are further away. Furthermore, the policy does not specify the modes of transport are to be utilised. However, it is considered given the location of the site, the surrounding highway network and the lack of street lighting and pavements in the area, the main mode of transport will be the private car.

The Inspector commented that *"trips to access facilities required for day-to-day living would be relatively short and, necessarily, limited in number by the fact that the scheme concerns only a single gypsy/traveller pitch."* A further comment is made within the Inspectors decision that he considered there to be a significant difference between one pitch and four pitches in terms of scale.

While clearly there would be a four fold increase with the site for four pitches which would increase *'unsustainable trips'*, as a matter of fact and degree these trips would all still only be of a relatively short nature. It is difficult to state at what level the number of pitches would have to be before that impacted so significantly to refuse on sustainability grounds. For example, the recent temporary consent at New Start Park, Reaseheath which is also not sustainable was for 8 pitches.

Nevertheless, it is considered that the application site is not in a wholly sustainable location and the proposal would moderately conflict with advice advocated within Policies H.8 (Gypsy Caravan Sites) and HOU6 (Gypsy Caravan Sites).

Impact on the Character and Appearance of the Open Countryside

The application site is broadly rectangular in shape and is part of a much larger site, which is owned by the applicant. According to the submitted plans the proposal is for four pitches and each pitch will incorporate a mobile home, a touring caravan, a dayroom/utility room and a bin storage area. Each of the pitches will be enclosed by a post and rail fence or a close boarded timber fence (it is considered that a close boarded timber fence will appear as incongruous feature and a condition relating to boundary treatment will be attached to any decision). All of the pitches are located around the proposed access road, which is in the shape of a letter 'T'. The access road sweeps around to the north and a new access will be formed on the south side of Dragons Lane. The case officer noted that the application site is bounded by mature

native hedgerows around the north facing boundary of the site, which fronts on to Dragon Lane. The plans show that there will be extensive areas of landscaping around the periphery of the site and this will help to assimilate the proposal into the local environment. Located to the west of the application site the applicant is proposing on installing a Klargest treatment plant.

The application site is located wholly within an area of open countryside and the area is generally characterised by agricultural fields bounded by native hedgerows. Local Plan policy makes it clear that gypsy sites are acceptable in principle in the countryside. However, the more recent document Planning Policy for Traveller Sites states that local planning authorities should strictly limit new traveller sites within the open countryside that is away from existing settlements. However, this policy does not state that gypsy/traveller sites cannot be located within the open countryside. It is acknowledged that the caravans may be visible in the public realm but this does not necessarily equate to visual harm.

According to policy PS8 (Open Countryside) permits uses which are appropriate to a rural area. Furthermore, paragraph 12 of Planning Policy for Traveller Sites states *'When assessing the suitability of sites in rural or semi rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest community'*. Paragraph 22 states when assessing planning applications local planning authorities should consider the following issues

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- That they should determine applications for sites from any travellers and not just those with local connections.

Therefore, both local and national policy accepts that gypsy sites can be located within rural areas. It is acknowledged that some degree of encroachment and visual impact will be derived from the location of gypsy sites within rural locations. Policy H.8 criterion (iv) stipulates that proposals should be *'adequately screened and landscaped'* and criterion (iii) states that proposals should be *'an appropriate scale which would not detract from the value of the surrounding landscape'*.

The proposal is for the siting of 4no.static caravans, 4no. touring caravan, 4no. dayroom/utility blocks, 4 no. refuse bin stores and the associated hardstanding and boundary treatment. It is considered that the visual impact of the development to a large extent is reduced by the fact that the existing boundary treatment to the north of the application site will be screened by mature native hedgerow. The applicant is proposing to put in a new access to the site on the south side of Dragons Lane, which will necessitate the removal of a stretch of hedgerow.

It is considered that views of the development would be limited to glimpses of the roofs and higher sections of walls of the mobile homes and utility blocks. However, in order to mitigate the visual presence of the development a landscaping condition will be attached to the decision notice which will help to reinforce the perimeter hedgerows that already exist. It is noted that the boundary treatment along the southern boundary of the application site comprises a post

and rail fence and this permits views into the site. Therefore, this boundary will also need to be adequately screened and will be conditioned accordingly.

Overall, it is considered that any visual harm or physical encroachment that might harm the character and appearance of the countryside would be small and it is considered that providing controlling conditions relating to landscaping and boundary treatment will help to mitigate any negative externalities associated with the proposal. Therefore, it is considered that the proposal complies with Policy GR2 (Design) and advice advocated within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Dayrooms/Utility Blocks

According to the submitted plans each of the pitches will include a Dayroom/Utility block. The proposed dayroom will measure approximately 7.7m long by 4.9m wide and is 2.3m high to the eaves and 4.3m high to the apex of the ridge. The buildings will be constructed out facing brick under a slate roof, which will be conditioned, if planning permission is to be approved. It is considered that the use of these materials is similar to other similar types of structures e.g. garages within the locality and as such not of place.

The footprint of the proposed dayrooms are primarily rectangular in form and the total footprint of the buildings are approximately 38sqm. It is considered that the scale and massing of the proposed buildings are relatively modest and serve the purpose for which they are intended. Each of the dayrooms will incorporate a personnel door and window on the south facing elevation and similar sized windows on the north and east facing elevations. It is noted on the west facing elevation are two smaller apertures. Internally the buildings will comprise a kitchen, day room, wash room and bathroom. Whilst encouraging good design, the NPPF states that planning authorities should not attempt to impose architectural styles and particular tastes, or be unnecessarily prescriptive. In this case, the case officer is satisfied that the proposal represents an acceptable design solution in the context of the proposed development.

Refuse Stores

Each pitch will also comprise a refuse store which will measure approximately 2.1m wide by 1.3m deep and is 1.2m high. The refuse stores will be enclosed with a close boarded timber enclosure. The bin enclosure is large enough to accommodate 3no. wheelie bins.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The nearest residential properties are those located to the south west (Ivy Cottage Farm) and west (Woodville Farm) which are sited approximately 170m and 220m respectively away from the application site. As previously stated, the site is demarcated by a mature native hedgerow, which is punctuated at irregular intervals with mature trees. It is considered the distances between the existing properties and the application site and the intervening vegetation will minimise any loss of amenity through overlooking or over domination. Furthermore,

Environmental Health have raised no objections. It is considered that the proposal complies with policy GR6 (Amenity and Health).

Ecology

A number of local residents claim that there are a number of ponds within the local vicinity which are used by Great Crested Newts. Furthermore, they claim that if the proposal is allowed may have a detrimental impact on other protected species or birds. The Council's ecologist comments are outstanding and will be reported in an update to Members.

Demonstrable Need

Planning Policy for Traveller sites advocates that local planning authorities should ensure that their policies promote peaceful and integrated co-existence between the site and the local community and ensure that traveller sites are sustainable economically, socially and environmentally. The key characteristics identified for a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. The need to take account of the diverse range of housing requirements across an area, including the need to accommodate Gypsies and Travellers, is an important consideration.

A sequential approach to the identification of sites in Site Allocations Development Plan Document (DPD) is advocated, requiring Local Planning Authorities to consider locations in or near existing settlements with access to local services first. Local Planning Authorities should be able to release sites for development sequentially, with sites being identified in DPDs being used before windfall sites. However, at present the Council has not produced a DPD and no suitable alternative sites have been identified as part of the Local Development Framework process.

Additionally, Planning Policy for Traveller Sites clearly states in paragraph 9 criterion (a) that local planning authorities should, in producing their Local Plan identify and update annually, a supply of specific deliverable sites sufficient to provide five years worth of sites against their locally set targets. However, at present the Council does not have a five year supply of traveller sites. Furthermore, as previously stated, no specific site provision is made for gypsies and travellers in the development plan at present.

This document goes on to state that if a *'local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision'* (paragraph 25). It is considered in light of the lack of availability of a five year supply of gypsy/traveller sites and given the factors already cited any permission which should be granted will be for a temporary five year period. This will allow the Council to see if any more sustainable and deliverable sites can be identified and brought forward.

Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) was completed in May 2007. In Cheshire East, the GTAA identified an overall need for between 37-54 permanent residential pitches and 10 pitches for transit provision by 2016. The Council are part of the Strategic Gypsy & Traveller Partnership across the sub region and together the authorities have secured future funding from the Homes and

Communities Agency (HCA) to deliver new sites. Previously this funding was accessed to extend the council run site, Astbury Marsh, by 2 pitches (which have now been constructed).

Since the GTAA in May 2007, when the number of pitches was 101, there have been four new sites approved with permanent permission, giving an additional 11 pitches and 2 sites with temporary permission for 9 pitches (temporary permissions do not count towards the GTAA figures). The application for 10 pitches at Parkers Road, Crewe was withdrawn. A recent application for Land off Spinks Lane, Pickmere (12/1113M) for 3no. pitches was refused planning permission on the 8th August 2012 and land lying to the north west of Moor Lane, Wilmslow (12/1144M) was refused planning permission on the 6th July 2012.

Furthermore, an appeal decision at land at Wynbunbury Lane, Stapeley (November 2009) found that *'there is undoubtedly an immediate need for further pitch provision both in Cheshire East and regionally'*.

This view was further endorsed at a more recent appeal decision at New Start Park, Wettenhall Road, Reaseheath (APP/R0660/A/10/2131930 January 2011) which stated *'that there is little or no prospect of the Council being able to successfully address the challenge in Circular 01/2006 to increase significantly the number of gypsy and traveller sites in appropriate locations. I conclude that there is an urgent and substantial unmet need for permanent residential pitches for gypsies and travellers in Cheshire East which needs to be addressed'*.

A number of objectors have questioned the validity and accuracy of the GTAA. The objectors claim that *'the GTAA has been criticised by its own authors as not fit for purpose, it should not be used as proof of an exceptional circumstance i.e. lack of available sites/shortfall of target pitches'*. However, the GTAA is the most up to date document the Council has in relation to need for Gypsy/Traveller sites. Therefore, it is an important material consideration, which is regularly used by the Council in assessing applications. Furthermore, Planning Inspectors have never questioned the validity of the GTAA and they also use it to assess any Appeals. Indeed the recent Inspectors decision was based upon the GTAA figures and considered that the need identified was 47 to 64 pitches to 2016. The appeal identified the need to be 14 and 31 pitches (although this included 24 pitches approved nearly 3 years but has yet to be implemented).

The Council are to appoint consultants to redo the GTAA (as agreed by Cabinet on the 23rd July 2012) in 2013. Following on from the new GTAA the Council will make specific land allocations which are likely to be made in due course as part of the Local Plan. The Council concedes that the relevant Development Plan Document is unlikely to be adopted before December 2014. Therefore, it is unlikely that sites allocated would, in all probability, begin to become available until at least mid-2015. Therefore, it is considered that a temporary consent, which is in line with the neighbouring site and to assess whether any other more sustainable sites come forward, is justifiable in this instance.

The objectors are concerned that there are already a disproportionately large number of Traveller sites within the immediate locality and the proposal if allowed will exacerbate tensions between the local settled community and gypsies. Whilst the concerns of the local residents are noted it is not considered that the amount of Traveller sites in the locality has a detrimental impact on the local community. Furthermore, the Inspector at the previous Appeal stated *'Whilst I acknowledge the presence of a number of gypsy and traveller sites in the vicinity of Moston and Warmingham, I am not persuaded that these are either so numerous or so*

concentrated as to have a discernible effect on the character of the locality that would be exacerbated by the current proposal. Moreover, I find the limited scale of the latter to be such that the level of activity generated would not, in all likelihood, be so significant as to affect the general perception of the wider locality's prevailing sense of place'. It is not considered that another 4no. pitches will not have a discernible impact on the local community.

Human Rights and Race Relations

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1988 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

The applicants are Travellers, a racial group protected from discrimination by the Race Relations Act 1976. Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this particular case, the determination of this application will not have a direct impact on the occupier's rights given that the application site has not been laid out or is being occupied. Should the application be refused, the applicant has a right of appeal and any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impact are considered acceptable.

Precedent

A number of objectors are concerned that if this application is approved a precedent will be set for other similar types of development in the immediate area. However, this is a hypothetical situation and all cases must be determined on their own merits and any future applications would need to be considered against the circumstances applicable at that time.

The recent appeal decision on the adjacent site commented "I give little weight to fears that a grant of planning permission in this case would set a precedent for the provision of further gypsy/traveller pitches in the locality. Whilst the recent refusal for four pitches on the adjacent site may yet be subject to appeal, each proposal falls to be assessed primarily on its own merits. In any event, I find there to be significant differences between the two schemes in terms of scale and detail."

This therefore demonstrates that each application must be dealt with on its merits, although as mentioned earlier the recent appeal decision is a significant material consideration.

Highways

The application site will be accessed directly off Dragons Lane. The highway is wide enough for two vehicles to pass with relative ease although there are no footpaths along the carriageway. According to the submitted plans the proposed access gates will be set back approximately 16.5m from the edge of the highway, which will allow vehicles towing caravans to be parked clear of the public highway and will reduce the amount of queuing. It is considered that there are good views in either direction. The surface to the entrance will be formed out of tarmac. However, it is considered that the use of tarmac is an inappropriate surfacing material in this open countryside location and a condition relating to surfacing materials will be attached to any permission. Beyond the access gates the access road sweeps around to the east and terminates in turning head. There is sufficient space within the curtilage of the site for vehicles to be parked clear of the public highway and to maneuver so that they can enter/leave the site in a forward gear. A number of objectors are concerned that if planning permission is approved for the proposed development, it will lead to an intensification of large vehicles utilising the local highway network. Whilst the concerns of the objectors are noted, it is considered prudent to attach conditions relating to the size of vehicles entering/leaving the site and for no commercial activities to take place on the land. Colleagues in Highways have been consulted and raise no objection to the proposal. Therefore, it is considered that the proposal complies with policy GR9 (Accessibility, Servicing and Parking Provision) and there is insufficient justification to warrant a refusal and sustain it at any future Appeal on highways grounds.

Gas Pipeline

There is a high pressure gas pipeline running through the land which is owned by the applicant. The applicant states that no operational development is proposed in the vicinity of the pipeline. The minimum distance is 60m from the development to the gas pipeline. Colleagues at the National Grid have been consulted and raise no objection subject to a number of informatives.

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.

A number of objectors are concerned about how the development will be drained. According to the submitted plans/application forms the proposed method for drainage would be via a package treatment plant. It is the Council's understanding that a drainage pipe will connect all of the static caravans and dayrooms/utility rooms. The drains will then connect up to a Klargester treatment plant. It is considered prudent to attach a condition relating to drainage

scheme, if planning permission is to be approved. Colleagues in United Utilities have been consulted and have raised no objections. Therefore, it is considered that the application is in accordance with policy GR19 (Infrastructure).

Other Matters

The objectors have stated that the proposed application site will be enclosed by a close boarded timber fence of unspecified height and as such will have a detrimental impact on the character and appearance of the locality. The concerns of the objector are noted and a condition relating to boundary treatment will be attached to any permission.

A number of objectors have stated that if planning permission is approved for the proposed development it will have a detrimental impact on house prices in the locality. Whilst the concerns of the objectors are noted, issues to do with devaluation of properties are not a material planning consideration and as such are not a sufficient justification for warranting a refusal of this application. Unfortunately, the planning system is not here to duplicate other legislation, for example, issues to do with crime can be dealt with by Police, littering 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.

Several objectors have stated that there are sufficient pitches within the Borough and in any event existing sites could be expanded. Whilst the concerns of the objectors are noted, every application must be judged on its own individual merits and this application cannot be refused on the hypothetical situation that other travellers may want to construct additional pitches at some site in the future. If additional pitches are sought this will necessitate a new application and the proposal will be assessed on its merits.

Within the letters of objection it has been raised that public consultation has not be carried out. The application consultation process was dealt with in line with the Councils 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 a minor development and the procedure requires either, neighbours which adjoin the development site to be consulted by letter or a site notice to be erected adjacent to the development site where there are no identifiable adjacent neighbours to the site (usually within in rural locations). No neighbours immediately adjoin the application site. Therefore, a site notice was displayed on the 1st October 2012. Further, consultations were also sent to neighbours who made objections to 12/0971C. It is considered that the Local Planning Authority has sufficiently consulted on the proposed development.

An objector states that local residents should know the location of the applicant and the address should be completed on the application form. However, the applicant's agent is acting of the applicant and it is not considered that local residents have been prejudiced by not knowing where the applicant currently resides.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is acknowledged that the site is poorly located in order to access shops, services and other community facilities and the site is located in a moderately unsustainable location. However,

there is a substantial and unmet identified need for gypsy and traveller site provision within Cheshire East which needs to be addressed urgently. To date no sites have been identified through the Local Plan process and are unlikely to be so until 2014 at the earliest.

Furthermore, in the context of Planning Policy for Traveller Sites, the impact of the proposed development on the surrounding countryside could be satisfactorily mitigated, the site is within the Open Countryside as opposed to Green belt.

While each site must be dealt with on its merits there are clearly strong parallels with the recent appeal decision on the adjacent site that must be weighted accordingly. While the site remains in an unsustainable location it is not consider that the scale of the scheme is so significantly different to determine a different outcome than that of the appeal scheme.

Therefore whilst there are elements of the application which would need addressing via condition such as drainage and landscaping; it is considered that the need outweighs any perceived harm and the use of the site as a residential gypsy site accommodating 4 pitches would not conflict with Planning Policy for Traveller Sites or relevant national or local planning policies. The application is therefore recommended for approval, albeit with a temporary consent for four years.

Approve subject to the following conditions:

- 1. Temporary Permission for a four year period**
- 2. Plan References**
- 3. Materials for the Dayroom/Utility Block**
- 4. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 Annex 1 of Planning Policy for Traveller Sites**
- 5. There shall be no more than four pitches on the site and there shall be no more than eight caravans stationed at any time, of which only four caravans shall be a residential mobile home**
- 6. No External Lighting**
- 7. Details of a landscaping scheme to be submitted and approved in writing**
- 8. Landscaping scheme to be implemented**
- 9. Details of a drainage scheme to be submitted and approved in writing**
- 10.No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site**
- 11.No commercial activities shall take place on the land, including the storage of materials**
- 12.Details of the porous surfacing materials to be submitted and approved in writing**
- 13.Details of Boundary Treatment to be submitted and approved in writing**
- 14.Details of the Materials used to construct the Dayroom/utility block to be submitted and approved in writing**
- 15.Details of Timber Stain for the Bin Enclosures to be submitted and approved in writing**
- 16. Hours of Construction**

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1400 hours

Sundays and Bank Holidays Nil

17. Access to be constructed in accordance with the approved plans

18. Gates to be set back a minimum of 5.5m and open inwards

19. Personal to the applicant

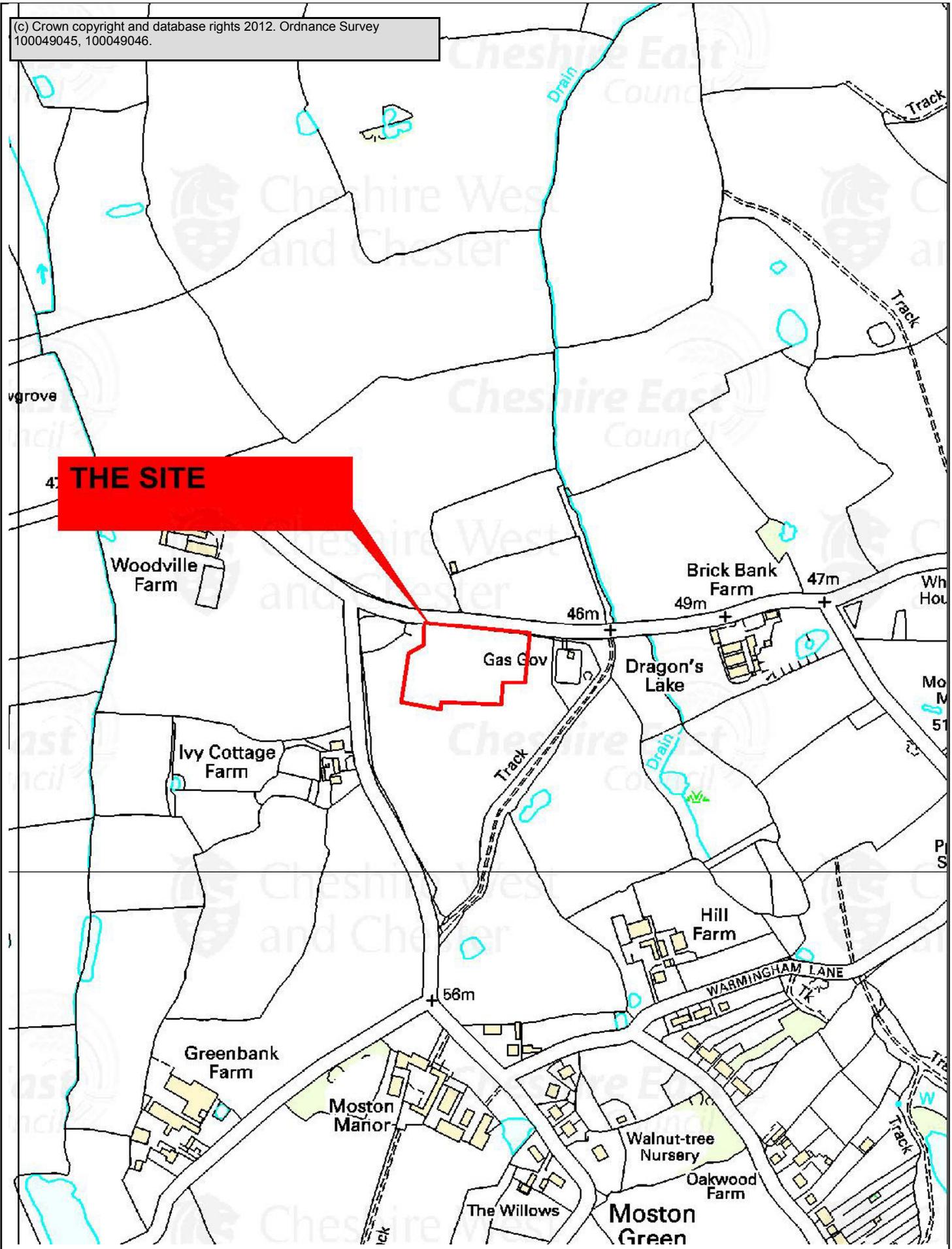
20. If the site is no longer required as a gypsy site all the structures shall be removed within 3 months and the land returned to its former use

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions



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Application No: 12/3458N

Location: WADES GREEN FARM, MINSHULL LANE, CHURCH MINSHULL,
NANTWICH, CHESHIRE, CW5 6DX

Proposal: Erection of an agricultural building for barn egg production

Applicant: Ian Hocknell, I & K Hocknell

Expiry Date: 21-Jan-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site History;
- Principle of Development;
- Torbay Farm (Winchester City Council v SSCLG 2006);
- Agricultural Use;
- Siting and Design;
- Amenity;
- Air Quality;
- Drainage;
- Landscape;
- Ecology; and
- Highways

REFFERAL

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

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed poultry unit lies to the north of Minshull Lane. It is noted that the application site is generally level, but the field slopes gently to the north. There is already a large poultry shed and hopper on the site, which was approved on Appeal (APP/R0660/A/11/2162766 7th February 2012). Additionally, there is an overhead electricity line, which bisects the field. Located to the west of the proposal is a timber stable. Furthermore, there are numerous ponds within and just outside the application site. The field is demarcated by good boundary hedgerows and is punctuated at sporadic intervals with established mature hedgerow trees (of varying species). The site is located in open countryside in the Borough of Crewe and Nantwich Replacement Local Plan.

DETAILS OF PROPOSAL

The development includes the erection of a large poultry shed measuring approximately 89m long by 26m wide and is 2.7m high to the eaves and 6.3m high to the apex of the ridge. Furthermore according to the submitted plans there will be a link attaching the proposed building and the existing poultry shed.

RELEVANT HISTORY

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

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

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

11/0573N – The Erection of Poultry House and Feed Hopper with Associated Access Road and Hardstanding – Refused – 6th October 2011. Appeal Allowed (APP/R0660/A/11/2162766) — 7th February 2012

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

BE.3 Access and Parking

BE.4 Drainage Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species.

NE.13 Rural Diversification

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

CONSIDERATIONS (External to Planning)

United Utilities: No objections

Landscape: No objections

Natural England: No comments received at the time of writing this report

VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council object for the following reasons:

The Parish Council objected strongly to application 11/0573 for the initial poultry house at this location on the grounds that it was unjustified intrusion into open countryside, and failed to meet the requirements of Local Plan Policies NE2, NE13 and NE14. The Local Planning Authority accepted this view, and refused the application, only for the application to be granted on appeal.

At the time, the Parish Council expressed concern that granting of permission for the initial poultry house could lead to an intensification of use on the site, with potential further applications for a second poultry shed and/or on-site residential accommodation.

The Parish Council notes that its concerns were well-founded with 12/3458N seeking permission for a second shed, and 12/3863N seeking permission for a mobile home on the site. The Parish Council is strongly of the view that the applicant should have been required to lodge a single application covering all of his aspirations for the site, to have allowed a comprehensive assessment of the merits of the application and its implications for the local environment and planning policy.

The Parish Council remains of the view that the development of a poultry unit on this isolated Greenfield site within the open countryside was – and remains – inappropriate, and fails the tests of Policies NE13 and NE14:

It is **not** the diversification of an existing farm business;
It does **not** lie within an existing farm complex;
It **would** detract from the visual character of the landscape;
It is **not** ancillary to the use of the land for agricultural purposes;
It is **not** sympathetic in terms of design and materials.

The fact that the applicant is now of the view that a second shed is necessary for the operation to be commercially viable calls into question the commercial justification for approval of the first shed. Similarly, the claim in application 12/3863N that a permanent on-site presence (via a residential use) is essential on animal welfare grounds again calls into question the justification for approval of the first application.

OTHER REPRESENTATIONS

Two letters of representation had been received from the occupiers of The Old Barn and Wades Green Stables. The salient points raised are as follows:

- The application site is not Wades Green Farm. The land is not touching Wades Green Farm, and the land has never belonged to Wades Green Farm;
- This building will double the size of the already present building allocated to egg production. The objector believes that the proposed building, as well as the existing one,

is obtrusive to residential occupiers, to users of Minshull Lane, and to those using the public footpath between Minshull Lane and Paradise Lane;

- The landscaping has not been done;
- It was also mentioned in the original application that the first barn could not be erected in close proximity to the existing structure near Poole due to the possibility of 'cross contamination'. Perhaps there is a simple explanation why this no longer appears to be the case;
- The proposed building (along with the existing building) will detract from the visual character of the surroundings. I do not believe it is sympathetic in terms of its material and design with any other buildings on Minshull Lane, other than the one that it will duplicate on the same plot. There are other agricultural buildings, traditional in design, along Minshull Lane;
- This development, because of its size and nature (obviously a commercial venture on major scale), by being permitted, sets a precedent for any small package of land throughout the area, and this, I believe is going to ruin the nature of the Cheshire countryside forever;
- The proposal will have a detrimental impact on protected species.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

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

OFFICER APPRAISAL

Site History

Members may recall that they refused planning permission for a similar application (11/0573N) on the 14th September 2011 for the following reasons:

'The Local Planning Authority considers that the proposal would not create or maintain employment; or involve the diversification of a farm business. It is not required for, and ancillary to, the use of the land for agricultural purposes and is not essential either to an existing agricultural operation, or to comply with current environmental and welfare legislation, or to the maintenance of the economic viability of the holding. It is therefore contrary to policies NE13 (Rural Diversification) and NE14 (Agricultural Buildings Requiring Planning Permission) of The Borough of Crewe And Nantwich Replacement Local Plan 2011'.

'The Local Planning Authority considers that the proposal does not lie in or adjacent to an existing farm or commercial complex and therefore it is not satisfactorily sited in relation to existing buildings, in order to minimise its impact on the landscape and it would detract from the visual character of the landscape contrary to policies NE13 (Rural Diversification), NE14 (Agricultural Buildings Requiring Planning Permission) and BE2 (Design Standards) Of The Borough Of Crewe And Nantwich Replacement Local Plan 2011'.

Following the refusal, the applicant Appealed against the decision and this was subsequently allowed. The Inspector considered that the proposal *'would not have a harmful effect on the character and appearance of the surrounding area'* and the *'proposal would represent an appropriate land use on the appeal site'*.

Principle of Development

The principle of agricultural buildings that are 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.

These policies aim to protect the openness of the open countryside 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.

Torbay Farm (*Winchester City Council v SSCLG 2006*)

Previously, there had been much debate about whether the proposed use of the building and land for the keeping of poultry where the eggs are to be used for vaccine production is an agricultural process. It was claimed that the proposal was an industrial process and reference was made above Judicial review case. Furthermore, it was claimed that if the Council determined that application the use of the land/building was considered to be an industrial process and would be contrary to Local Plan policy.

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

It was agreed by both parties at the start of proceedings that the production of SPF eggs was not 'agricultural'. The eggs which were produced at Torbay Farm were produced under sterile and clinical conditions. For example, a number of the units at the Farm were converted into sealed isolator units for the production of fertile SPF eggs. The flocks were housed in a fully microbiological environment, with pressured air supply, and a regular temperature was maintained. All materials entering/leaving the site passed through fumigation cells or two way

chemical dumps. Poultry food was specially compounded vacuum packed and irradiated or gassed with methyl bromide. Staff entry to the units was via a complete shower and change procedure.

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

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

It is noted that the SPF flocks are kept in a very strictly controlled environment, they are not vaccinated and are very intensively monitored, and whilst the conditions in which the applicant proposes to keep his flock is entirely different.

The argument in this case focused on whether the production was an 'industrial process' for the purpose of the Use Classes Order and to that extent the case is not analogous to the present one. The Judge held 'The Inspector looked at the circumstances as a matter of fact and degree, as he was fully entitled to do. The circumstances that he took into account are all clearly set and the judgment he made was entirely open to him. It is not suggested that the decision was an irrational one that no inspector properly directing himself could reach'. Overall, it is considered that the way the birds are managed is no different to any other poultry shed, whilst it is acknowledged that the end user is different. It is considered that the way that the flock and eggs are produced/maintained is not the same as the Torbay Farm decision, therefore the parallels which can be drawn are limited.

Agricultural Use

The term 'agriculture' as it is used in planning policy and legislative provisions is that set out in Section 336 of the Town and Country Planning Act 1990:

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

It is accepted that the keeping of livestock for agriculture does not include the keeping of any animal for any purpose. Animals found not to be livestock in this context include cats and dogs (*MAFF v Appleton*) and horses (*Belmont Farms Ltd v Minister of Housing and Local Government 1962*).

In deciding whether the keeping of animals is agricultural in circumstances beyond those mentioned in brackets in the definition (production of food, wool, skins or fur or for the use of farming) it must still be in circumstances which can properly be brought within the general meaning of 'agriculture' (*Belmont Farms Ltd v Minister of Housing and Local Government 1962*).

It is a matter of fact and degree for the decision maker in each case to decide whether the keeping of particular animals in particular circumstances is agriculture. For example, keeping bulls for the production of semen (*Fenchurch Residential Ltd v FSS 2005*) was an example in which a decision maker was entitled to conclude that the use of the land was agricultural. The collection of semen from bulls had all the hallmarks of agriculture. The production of semen was 'what bulls do, so far as their use for human beings' purposes are concerned'.

By analogy in the present case it would be open for the Council as decision maker:

- To accept that hens are ordinarily capable of being described as 'livestock';
- To note that the production of eggs for the manufacture of vaccine is not to keep hens for the purpose of the production of food, wool, skins or fur, or for the purpose of its use in the farming of land. To note also that this is not conclusive so far as reaching a decision on whether the proposed use of the building is agricultural;
- Producing eggs is 'what hens do, so far as their use for human beings' purposes are concerned'
- The way that the hens in this case are to be kept and fed has 'all the hallmarks of agriculture'
- This proposal is different from the Winchester case on the basis that the way the hens were kept and fed in that case had 'all the hallmarks of an industrial process' and, indeed, a very special process of which there remains but one example in the UK.

It is considered given all the factors cited above that the development as described in the submitted application can reasonably be regarded as being agriculture.

In addition to the above, the applicants currently have poultry units where eggs are produced for the pharmaceutical industry at The Pinfold at Poole, and a number of other units within the Borough. However, the pharmaceutical industry requires large scale units in order to produce a large quantity of eggs. The fact that there may be other poultry farms in the area where this building could be sited is not a reason to refuse this application. Furthermore, the applicant has stated that his poultry units are located at various sites around the Borough in order to deal with possible disease management issues. Therefore, the issue is whether the proposed poultry unit meets the requirements for agricultural buildings and is acceptable on this site.

The Inspector at the recent appeal clearly concluded that the buildings were also acceptable in agricultural terms.

Policy NE.2 and guidance in the National Planning Policy Framework allow for agricultural development in rural areas. The National Planning Policy Framework notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Whilst there is an existing poultry shed on this site, the use is related to other units in the general area. It is considered prudent

to attach a condition stipulating that no SPF eggs shall be produced at the site. Therefore, there are no objections in principle to the proposed use at this site.

According to Policy NE.14 (Agricultural Buildings Requiring Planning Permission) states that proposals for the erection, alteration or extension of agricultural buildings will only be permitted where:

- *The proposal is required for, and is ancillary to, the use of the land for agricultural purposes;*
- *The development is essential either to the agricultural operation or to comply with current environmental and welfare legislation, and maintain the economic viability of the holding;*
- *The proposed development is satisfactorily sited in relation to existing buildings, in order to minimize its impact on the landscape;*
- *The proposed development is sympathetic in terms of design and materials, and is appropriately landscaped;*
- *Adequate provision is made for the disposal of foul and surface water drainage and animal wastes without risks to watercourses;*
- *Adequate provision is made for access and movement of machinery and livestock to avert the perpetuation, intensification or creation of a traffic hazard;*
- *The proposal is of an appropriate location, scale and type so as not to be detrimental to the amenities of any nearby existing residential properties; and*
- *The proposal is not of a design and construction which makes it easily convertible to residential use.*

It is noted that the applicant's property is located some distance away from the application site, but within the same rural area. It is considered that this separation distance, is not a sufficient justification to warrant a refusal of the application as Policy NE.13 aims to assist the diversification of the rural economy where proposal would create or maintain employment or where they would involve the diversification of a farm business. Here, the proposed development would create and maintain employment, and therefore the farm business diversification criterion does not come into play.

It is acknowledged that the level of employment creation would not be great, it would be likely to represent an increase over that from the current use of the site and would overall support the viability of a local business in the rural economy, which is in accordance with Local Plan policy and guidance advocated with the National Planning Policy Framework. According to the Design and Access Statement there 1.5 additional jobs created at the site.

Notwithstanding the existing poultry shed on site, the proposal would be well separated from any existing farm complex. Therefore, the proposal does not comply with criterion III of policy NE.14, which seeks to ensure that development lies in or adjacent to an existing farm or commercial complex. However, in order to maintain bio security demands that poultry facilities are separated.

It is considered that the proposed building would be ancillary to the agricultural use of the land in terms of poultry farming, in accordance with Policy NE.14, as the policy does not refer to the agricultural use having to be related to the current use. The housing of the poultry would

be required for, and indeed essential to, egg production and therefore the proposal would satisfy the relevant criterion in Policy NE.14.

Siting and Design

The building is similar to the existing shed on site and the same as the poultry units permitted at The Pinfold in 2008 under reference P07/1152 and at Crowton Farm under references P09/0170 and 11/0506N. The proposed poultry unit will measure approximately 89m long by 26m wide (which equates to a floor area of approximately 2314m sq) and is 2.7m high to the eaves and 6.3m high to the ridge (excluding the ventilators). Located on the east facing elevation will be two large apertures and on the west facing elevation there will be two personnel doors. According to the submitted plans there are no other apertures proposed. The proposal will run parallel to Minshull Lane, and will be located behind the existing unit on site, which is orientated the same way.

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

It is accepted that while the building will be visible within the open countryside, it will be seen in the context of the existing poultry shed in situ. Furthermore, the building would be similar to others in the area and the Borough generally, and such agricultural buildings are indeed part of the local landscape. Overall, it is considered that the proposal would not have a detrimental impact on the character and appearance of the rural setting and the proposal is in accordance with Policy BE.2 (Design Standards).

Amenity

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

Air Quality

The proposal is located approximately 2.5km away from Wettenhall and Darnhall Woods SSSI. An important material factor is whether the proposal will have a detrimental impact that is likely to damage a SSSI (through pollution or other impacts). In order to assess what impact the proposal may have on the SSSI, the applicant has submitted an air quality assessment. At the time of writing this report comments from Natural England are awaited and will be presented to Members in the update report.

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.

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 front elevation by mature native hedgerows, which are punctuated at sporadic intervals with mature trees/shrubs. The remaining boundaries comprise hedgerow, which is patchy in places and sporadic trees. The Councils Landscape Officer has been consulted and raises no objection to the proposal. Overall, the development is in accordance with policy NE.5 (Nature Conservation and Habitats).

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. Although there were no significant ecological issues on the previous appeal the Council's Ecologist has been consulted and an update will be provided for Members.

Highways

According to the submitted plans the existing access arrangements will be utilised. There is sufficient space for vehicles to enter/leave to manoeuvre and leave the site in a forward gear. It is considered prudent to attach a condition relating to surfacing materials. 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).

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

RECOMMENDATION

Approve subject to conditions:

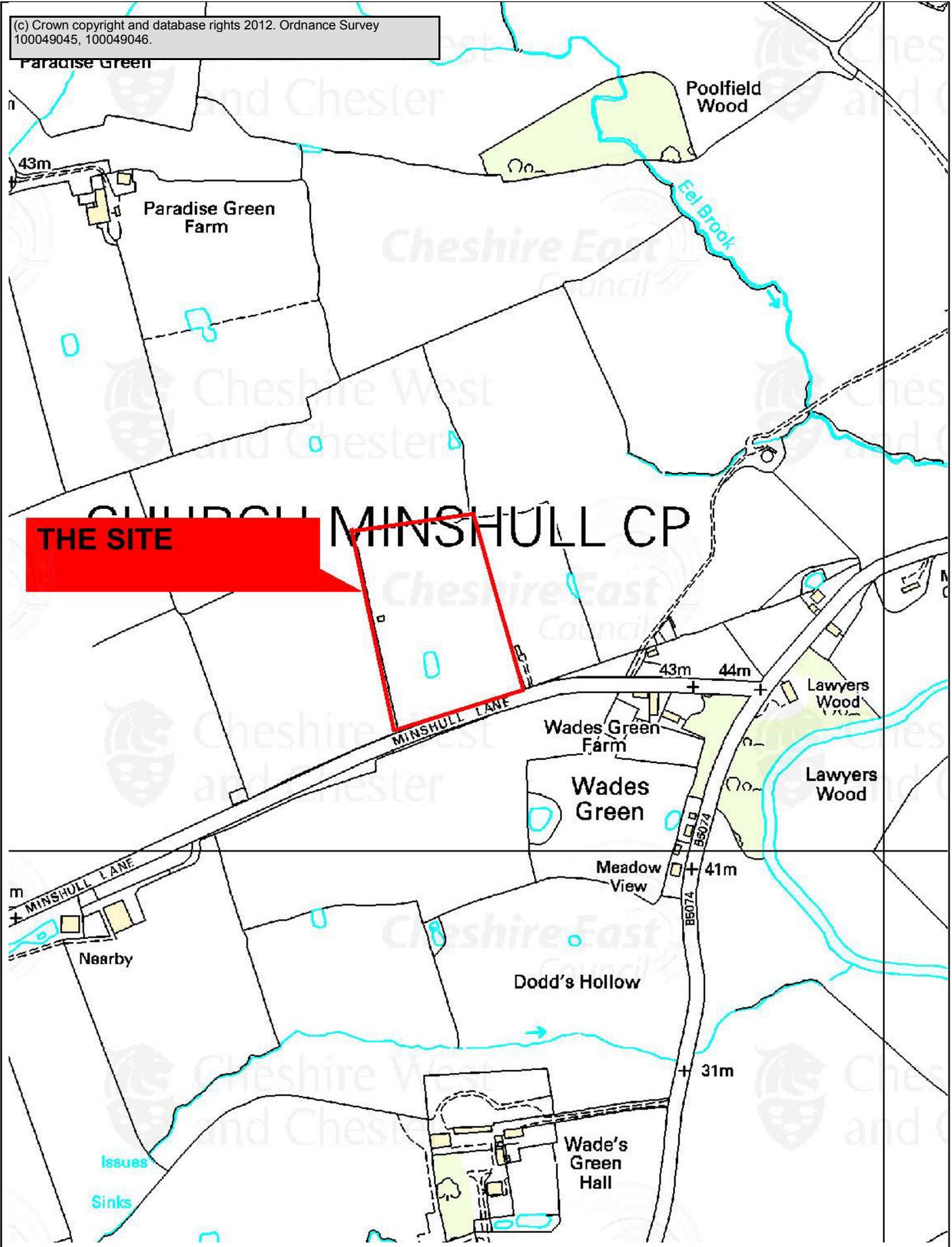
- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Drainage**
- 5. Landscaping Submitted**
- 6. Landscaping Implemented**
- 7. External Lighting**
- 8. Method for the Control of Flies**
- 9. Treatment of Manure from Site**
- 10. The Auto Start Generator and Ridge Fans to be Installed and Maintained in Accordance with Manufactures Instructions**
- 11. Surfacing Materials**

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3076C

Location: BETCHTON COTTAGE FARM, CAPPERS LANE, BETCHTON, CHESHIRE, CW11 2TW

Proposal: Extension of site area and construction of a hard standing for storage of skips.

Applicant: Tom Gardiner, William Beech Skip Hire Ltd

Expiry Date: 29-Nov-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.

RELEVANT HISTORY

10/2095C – 2012 Withdrawn application for extension of site area, construction of a hard standing and storage of recycled materials in skips or secure containers

10/0061C – Certificate of lawful existing use for skip hire business comprising the garaging of vehicles, storage of waste disposal skips and sorting of waste materials, Issued 2010

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 (March 2012)

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:

This Division would like to see the hours of operation detailed within the application conditioned.

Concern is raised with regards to this application due to the extension of the site causing operations to come closer to residential properties where complaints have already been received. Discussions have been held with the operator that such actions would be advantageous to reduce any further complaints from local residents.

This Division therefore requires a noise mitigation scheme that will neighbouring occupants of the development do not suffer a substantial loss of amenity due to noise.

Highways:

The site access is on a fast section of the A533 and is not obvious to traffic or wide enough for a vehicle to leave the highway if another vehicle is approaching to exit from the site. However, in light of the application not giving rise to any intensification of usage, I have no reason to raise an objection.

VIEWS OF TOWN COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

One letter of objection has been received relating to this application expressing concerns regarding noise generation, loss of privacy, mud on the roads and the hours of operation at the site, they also state that the use is more suited to an industrial estate and is operating a waste transfer station without the required consent.

OTHER MATERIAL CONSIDERATIONS

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

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

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

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

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.

An application for the retention of an area of hardstanding used for the storage of skips was refused in 2009. An appeal was subsequently 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. In 2010 a Certificate of Lawful Existing Use was issued for the garaging of vehicles, storage of waste disposal skips and sorting of waste materials.

This application seeks to extend the hardstanding area by approximately 10m. The NPPF has now been introduced 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.

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.

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 noise generation and loss of privacy. However it is considered that this small extension for the storage of empty skips would not cause any significant loss of amenity to this property.

Concerns have been expressed about current issues with the site relating to noise, vibration and highway safety. Given that the site is already operating and this proposal is for a small extension to the storage area, it is not considered that there would be a significant increase in noise and vibration that would justify refusal of the application.

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 therefore acceptable in terms of impact on the open countryside, amenity and highway safety, subject to the recommended conditions. Although a departure from normal policy, it is not considered to be a significant departure due to the circumstances identified

The proposal is therefore recommended for approval.

RECOMMENDATION: Approve subject to the following conditions:

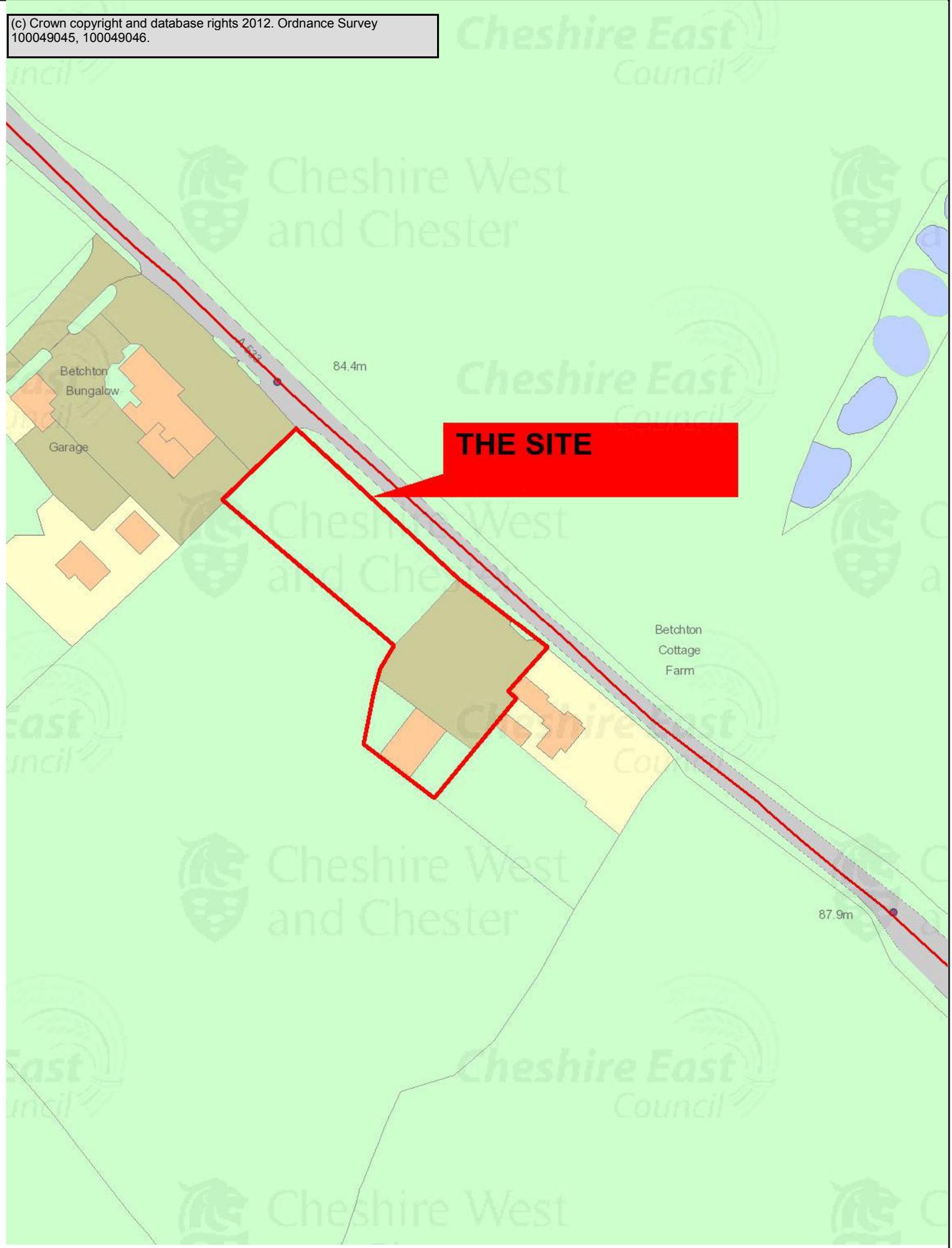
1. Time limit.
2. Compliance with the approved plans.
3. Skips stored on the site shall not exceed a height of 2.5m from ground level.
4. Submission and implementation of a tree and hedgerow protection scheme.
5. Submission and implementation of details of the post and rail fence at the north western end of the site.

Application for Full Planning

RECOMMENDATION:



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Application No: 12/2225C

Location: LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE, CW10 9HG

Proposal: Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works

Applicant: P E Jones (Contractors) Limited

Expiry Date: 17-Oct-2012

SUMMARY RECOMMENDATION:

Approve subject to conditions and the satisfactory completion of a Section 106 Legal Agreement

MAIN ISSUES:

**Planning Policy And Housing Land Supply
Affordable Housing
Highway Safety, Congestion And Traffic Generation
Tree Matters
Ecology
Site Layout and Design
Neighbours Amenity**

REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposal is for more than 10 dwellings and is therefore a small-scale major development.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a derelict bungalow with an extensive garden and orchard which has been left unmanaged in the last few years. There are 2 outbuildings within the grounds comprising a single storey brick garage and shed.

The site is surrounded on all sides by residential development. To the north, northeast and west there are modern detached dwellings on Glastonbury Drive and Tewkesbury Close. To the south east the site surrounds the detached dwelling and ancillary outbuilding (2 storey) within no 50 Nantwich Road. The site extends along Nantwich Road to Mill Lane, an unadopted track which serves a small number of dwellings.

There are a number of significant mature trees within the site which are covered by the Congleton Borough Council (Nantwich Road, Middlewich) Tree Preservation Order 1975, including a group of Lime trees to the Nantwich Road frontage of the site.

The Glastonbury Drive access to the modern housing estate is the sole access from Nantwich Road and currently serves a total number of 128 dwellings presently within Glastonbury Drive, Tewkesbury Close, Lindisfarne Close, Welbeck Close and Fountains Close.

The site is situated within the settlement zone line of Middlewich as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing bungalow on the site and the construction of 24 residential units. The numbers of units within the scheme has been reduced since original submission from 27 to 24 units.

The residential mix is:

- 14 no 4 bedroomed houses (2 storey)
- 2 no 3 bedroomed houses (2 storey)
- 8 no 2 bedroomed houses (2 storey)

The proposed access is to be formed adjacent to 28 Tewkesbury Close as a continuation of the estate to the rear of the site and is taken from Tewksbury Drive via Glastonbury Drive. Overall, with this proposal included, Glastonbury Drive would serve a total of 152 residential units.

RELEVANT HISTORY

12/0334C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 28 Dwellings Including Access, Parking, Landscaping & Associated Works - Withdrawn

POLICIES

Regional Spatial Strategy (RSS)

DP1	Spatial Principles
DP2	Sustainable Communities
DP 3	Promote Sustainable Economic Development
DP 4	Make the Best Use of Existing Resources and Infrastructure
DP 5	Manage Travel Demand; Reduce the Need to Travel
DP 6	Marry Opportunity and Need
DP 7	Promote Environmental Quality
EM11	Waste Management Principle
EM2	Remediating Contaminated Land
EM5	Integrated Water Management)
EM18	Decentralised Energy Supply

MCR3	Southern Part of the Manchester City Region
L2	Understand Housing Markets
L4	Regional Housing Provision
RT2	Managing Travel Demand)
W3	Supply of Employment Land)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns

Other Material Considerations

The National Planning Policy Framework (NPPF)

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in Residential Developments
SPD4	Sustainable Development

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

Middlewich Town Strategy

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to conditions concerning hours of work, mitigation strategy for building works to minimise dust, noise

Strategic Highways Manager: No objection subject to conditions concerning construction access methodology and a S106 contribution of £30000 to assist in improving the pedestrian

environment on Nantwich Road and providing improved pedestrian linkages to the town centre and waiting restrictions on Glastonbury Drive.

Nature Conservation Officer (NCO): No Objection subject to the implementation of a mitigation strategy for reptiles (Biodiversity Action Plan) species and replacement foraging habitat for bats.

United Utilities : No objection subject to conditions concerning site to be drained on separate system

Forestry Officer - Raises no objection subject to conditions concerning tree protection for TPO trees on Nantwich Road frontage

Housing Strategy and Needs Manager – No objection subject to the provision of 30% Affordable Housing being provided.

Education – Education Contribution is not required in this case

Green space Manager - There is a deficiency in the local area, however, in the light of the limited size of the site, provision of off site works (enhancement of this existing area of Amenity Greenspace) at Fountain Fields are acceptable in terms of the Interim Guidance.

Enhanced Provision:	<u>£ 3,909.42</u>
Maintenance:	<u>£ 8,750.50 (25 years)</u>

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision. The financial contributions sought from the developer would be;

Enhanced Provision:	<u>£10,621.22</u>
Maintenance:	<u>£22,089.00 (25 years)</u>

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council has no objection to the application subject to access being taken from Nantwich Road.

OTHER REPRESENTATIONS:

A petition containing 117 signatories with addresses in Glastonbury Drive, Tewkesbury Close, Malmsesbury Close, Buckfast Way, Welbeck Close has been submitted which states that they consider access should be via Nantwich Road and not through the estate.

35 letters and emails of objection have been received from residents in the immediate vicinity of the site, including addresses within the existing estate and properties on Nantwich Road. The comments can be read in full on the web site but raise the following concerns:

Principle

- The houses are not needed when so many remain unsold.

- Affordable, smaller units are not pepper-potted, focussed in one area of site
- Over-development
- Too much development in the area

Highways

- Additional traffic generated - all to Glastonbury Drive/Nantwich Road junction
- Increased volume of traffic
- Safety – Nantwich Road is ambulance priority route
- Additional queuing to get onto Nantwich Road at peak time
- Disturbance during building work through estate
- Parking congestion at the junction with Nantwich Road is already a problem, further additional traffic will add to existing safety problems at the junction
- Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road as proposed will be dangerous and dirty and injurious to the amenity of adjoining residents
- The access at 50 Nantwich Road is shared by 5 properties whose consent has not been sought
- Safety of pedestrians on Nantwich Road

Infrastructure

- Local schools cannot accommodate the additional children.
- Local doctors can not accommodate more patients

Amenity

- Loss of outlook / views of open area
- Loss of privacy to houses adjacent
- Overdeveloped, cramped layout
- Design is out of character with area and overly prominent
- Loss of light to windows within ancillary outbuilding to 50 Nantwich Road
- Increased noise from parking area in neighbouring garden
- Overlooking from windows of new houses into adjoining dwellings
- Social and play areas should be included
- Boundary treatment long term security

Trees

- Impact upon root protection areas of trees outside site in neighbours property
- Impact upon trees within the site
- Arboricultural Report of poor quality
- Lack of consideration of implications for important off site trees and hedges
- Loss of the trees to form the site access (non protected but mature trees which are of high amenity value to locals)
- It would be of greater benefit to residents to remove the TPO trees on the frontage to form the access via Nantwich Road

Ecology

- Impact upon protected species

Drainage

- Services will be an extension of existing in Tewkesbury Drive. Residents have experienced problems in the past, further development will put strain on services

APPLICANT'S SUPPORTING INFORMATION:

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Draft Heads of Terms

All of these documents are available in full on the planning file, and on the Council's website.

OFFICER APPRAISAL

Principal of Development

National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises 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”

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme is located within an existing residential area, close to a range of local amenities and is considered to be highly sustainable. Accordingly, there is an in principle presumption in favour of the development in accordance with paragraph 49 of the NPPF.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the presumption in favour of the development.

These issues are considered below.

Impact on character and appearance of the area

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment. Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

This proposal, as amended, comprises a small development of 24 no. two storey dwellings which are a mix of detached, semi-detached and small number of terrace blocks arranged around a cul-de-sac road. Plot sizes are smaller than the existing 1980's/1990's housing estate which adjoins most boundaries of the site, however, the density is more in keeping with modern day requirements to ensure the efficient use of land, particularly in the most sustainable of locations. The modern estate itself has a mixed residential character, with modern bungalows, and 2 storey 4-bedroomed detached style modern properties predominating within the Tewksbury Drive estate layout. To Nantwich Road the properties are older, Edwardian terraced housing and Nantwich Road. Most of the site is discreetly located behind the sizeable house, ancillary 2 storey coach-house at 50 Nantwich Road. A Group of TPO protected Lime trees are retained to the Nantwich Road frontage. A path linking Nantwich Road and the site is provided through the tree belt where a detached dwelling fronting onto Nantwich Road adds to passive surveillance.

The cul-de-sac layout of houses would be broken-up by the use of seven varieties of house styles within the layout of the dwellings, parking is set generally behind the building lines for the detached dwellings. Smaller terraced units to the west of 50 Nantwich Road present their rear elevation to the Nantwich Road facing elevation, however, this part of the site has been revised by the Applicant during the course of the application and is now considered to be acceptable.

The density is circa 35 units per hectare which is considered an efficient use of the site. The height, scale, massing and coverage of the proposed dwellings is considered appropriate having regard to the similar heights and scale of surrounding properties.

It is considered that the proposed development would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies GR1, GR2 and GR3 of the Local Plan.

Highways – safety, access and congestion

Car borne traffic will access the site via the existing network Glastonbury Drive and Tewksbury Close. Both Glastonbury Drive and Tewkesbury Close have carriageway widths of 5.5 metres and two 2 metre footpaths. National criteria and the Design Aid for Housing Roads categorise such a standard as appropriate to serve up to 300 residential units. The current estate access via Nantwich Road serves a total of 128 residential units presently. The proposal will result in 24 additional properties (152 units in total are proposed to be served)

It is clear therefore that when considered against national and local guidance that the existing road and access infrastructure of the estate is considered appropriate to serve up to 300 dwellings

The trip rates for the proposed development show that the traffic generation for the two busiest hours are as follows:

a.m. peak (08.00 – 09.00): 17 vehicles (5 in and 12 out)

p.m. peak (17.00 – 18.00): 19 vehicles (12 in and 7 out)

On average this traffic generation equates to one vehicle every three minutes in the two peak hours. The Traffic Statement expresses the opinion that this level of traffic generation is negligible and will have no material effect on the traffic capacity of the estate roads or indeed on the junction capacity of Glastonbury Drive with the A530.

The Strategic Highways Manager has considered the trip rates and agrees that they are both appropriate and robust for this type and scale of development.

There are numerous objections from residents within Glastonbury Drive, Tewkesbury Close and the other streets within the estate which raise highway safety concerns about the ability of Glastonbury Drive/Tewkesbury Close to cope with the additional traffic and raising safety concerns about the operation of the junction of the access and Nantwich Road. Many people raise existing on street parking in close proximity to the main road junction as being an impediment to the free flow of traffic and objectors express concern that this proposal will exacerbate this situation.

Clearly it is important that traffic generation is taken in context and the traffic generation figures provided in the Traffic Statement submitted with the application show that the busiest

hours are significantly lower in traffic generation than at first it may seem with only one additional vehicle every 3 minutes attributable to the proposal.

Construction traffic is another common concern and it is understandable that local residents would rather not see these vehicles using the estate road for construction access. The Applicant has stated that they would be willing to access the site via the track adjoining no 50 Nantwich Road for the duration of the development, however, this will impact upon the phasing of the delivery of the affordable dwellings within the development. Neighbours on Nantwich Road have stated that this shared access will require their consent. This is legal matter.

The junction of Glastonbury Drive with the A530 is also a concern for residents. In particular they raise the fact that local residents from Nantwich Road who have no off-road parking tend to park in the initial length of Glastonbury Drive and cause some obstruction to vehicles leaving and entering the estate.

Neighbours also express concern that traffic turning into Glastonbury Drive and meeting an egressing vehicle which is overtaking a parked car may have to stop and may end up encroaching onto Nantwich Road.

The Highways Manager has considered these issues very carefully particularly with regard to accident records. Accident records shows the junction shows no injury accident records for the last 5 years. Accordingly, it is concluded that the junction operates safely.

The main concern expressed by objectors is the likelihood of traffic queuing back onto Nantwich Road whilst waiting for an overtaking car to emerge from Glastonbury Drive.

The highest number of new trips arriving and entering this junction occurs in the evening peak when 12 additional vehicles are calculated to access the proposed development. This is an average of 1 vehicle every 5 minutes which again can not really be judged as a material impact on the operation of the junction. The morning peak traffic has an even lower impact at only 1 entering vehicle every 12 minutes. If the on-street parking is considered, it is necessary to judge whether this would exacerbate the situation sufficiently to warrant concern significant enough for the Strategic Highways Manager to tender a reason for refusal which would be sustainable.

Several objectors consider that a vehicle access off Nantwich Road would be preferable to taking access from Tewkesbury Drive, as this would not increase traffic flows on residential roads. The Strategic Highways Manager accepts there is some merit in this, but it is recognised good practice to minimise the number of access points onto major routes in the interests of road safety and the smooth circulation of traffic. The junction of Glastonbury Drive with Nantwich Road is of good design and will be able to handle what would be a modest proportional increase in flow as a result of 24 units, particularly given that the access to Nantwich Road is designed to cater for up to 300 units.

A significant element of objection from neighbours concerns the use of the existing estate as the vehicular access for this site. Objection is raised on congestion and safety grounds, particularly the backing up and on street parking congestion at the estate junction with Nantwich Road. Many people consider that the site should be accessed via a roundabout on

Nantwich Road, adjoining that part of the site which comprises plot 12. Indeed, Middlewich Town Council raise no objection, provided that the site is accessed via Nantwich Road. Accordingly, in the light of the fact that the proposal access is intended to be through the existing residential estate, it is concluded that the Parish Council would wish to object to this proposal as submitted.

The Highways Engineer, however, having considered the expressed opinion of existing residents that the access should be via a roundabout on Nantwich Road rather than Glastonbury Road advises that a mini-roundabout could technically be provided .

However, this would require the removal of protected trees to the Nantwich Road frontage and would have potential safety issues itself.

Mini-roundabouts are not recommended where the flow on one arm is very low, which is likely here. In this case, given the limited number of properties which any such roundabout would serve, Nantwich Road drivers would rarely have to give way to turning traffic and thus are likely to treat any such mini roundabout as a T junction with themselves having the priority, which is a concern in highway safety terms. There are also driveways on the south side of Nantwich Road which would be difficult to accommodate safely within the confines of any such roundabout. There are very limited traffic calming benefits of such a roundabout.

A *priority* access onto Nantwich Road has also been considered by the Highways Manager, however, overall given the proximity to the existing Glastonbury Drive entrance, the bend in Nantwich Road and the amenity afforded to the wider area by the TPO trees on the Nantwich road frontage, it has been concluded that the access via Glastonbury Drive, as proposed, would be preferable in highways terms.

The Highways Engineer does consider there to be some merit in the provision of waiting restrictions on Glastonbury Road . The development will add to traffic on Nantwich Road and Glastonbury Drive, routes which already suffer from congestion at peak periods. Also the site will generate pedestrian movements, many of which will be to the town centre and other destinations which will involve crossing Nantwich Road. Accordingly, a S106 contribution of £30,000 to cover necessary improvements to waiting restrictions and pedestrian facilities on the above streets.

Pedestrian links

The Traffic Statement also considers sustainable travel options and the links to local amenities and schools within the network. The site layout now includes a pedestrian link between the site and Nantwich Road, which will minimise walking distances for existing residents at the end of Tewksbury Close as well as future residents

The site is within the urban boundary of Middlewich and many facilities such as shopping, education and leisure are within convenient walking distance. It is also desirable, in the interests of sustainability, to make pedestrian routes as direct and safe as possible to discourage use of car for such short journeys..

Walking trips between the site and Middlewich town centre will involve the crossing of Nantwich Road, a principal road which carries a considerable volume of traffic. Pedestrians to

and from the site will most frequently be required to cross Nantwich Road to access the town centre facilities. The Strategic Highways Manager has requested a S106 contribution of £30,000 to improve the pedestrian environment to Nantwich Road to link in with the footpath link created next to plot 11.

Trees

An Arboricultural Tree Survey was submitted with the planning application. A number of Protected trees are located either on the boundary of the site or in neighbouring gardens.

Site access is proposed to be at the end of Tewkesbury Drive. This will require the removal of an unprotected group comprising of a Red Oak, 2 London Plane and a Yew tree. These trees are considered to be an amenity within the street scene for a limited number of residents in the immediate vicinity and some residents within the estate have suggested that these trees should be retained whilst the Protected Lime trees on the Nantwich Road frontage be removed to facilitate the access. This suggestion is not supported by the Tree Officer.

The trees to be removed as part of the proposal are considered the more favourable option as any access off Nantwich Road would have highway safety implications (as discussed in the highways section of this report) and require the removal of at least two protected Lime trees to the main road, more public frontage.

A neighbour has raised various concerns about the quality of the Arboricultural information submitted in support of this application. These are concerns that the Council's Tree Officer is aware of and does not consider to be sustainable.

The scheme has been revised during the course of the application to address social proximity concerns expressed by the Arborist with specific regard to Plots 5,6 and 7. The Arborist is now satisfied that the revised layout can be achieved without damaging important trees either within or adjoining the site. None of the trees to be removed are protected and a significant belt of trees will be retained to the site periphery. The Council's Arborist has considered the proposals and raises no objection to the scheme.

Residential Amenity of Neighbours

The surrounding development comprises modern residential cul-de-sac development to the north, south and western sides and older housing to Nantwich Road.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13.8m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The development is laid out to comply with this requirement with respect to adjoining dwellings, however, no 50 Nantwich Road has an ancillary 2 storey outbuilding (called the Coachhouse) immediately adjoining the application site boundary where it fronts onto Nantwich Road. The outbuilding contains a 1st floor window that provides ancillary living accommodation for the occupier of no 50 (who advises this presently serves a games room

and store). The outbuilding is sited on the boundary of the application site. The applicant has amended this part of the site layout by removing 2 units from the area closest to the ancillary Coachhouse. The gable elevation of the proposed houses as amended are circa 10m from the games room window within the elevation. Permission has recently been granted for the conversion of this building into ancillary bedroom accommodation. Whilst, this distance is lower than the standard interface distance for a gable elevation to a principal room window of 13.8m, it is considered that this relationship is acceptable given that that the Coachhouse at no 50 Nantwich Road is not primary residential accommodation.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved in the majority of cases. Some of the smaller units do not achieve this, however, an adequate sized rear garden sufficient for amenity, clothes drying and storage has been provided. Plots 12 to 14 have communal garden space with shared clothes drying area and store. Overall, it is considered that the layout achieves an acceptable level of amenity for future residents. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Affordable Housing

The site is in the Middlewich sub-area for the SHMA 2010, which shows that for the sub-area there is a requirement for 280 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 56 new affordable units per year made up of a need for 13 x 1bed, 8 x 2beds, 30 x 3beds and 6 x 1/2bed older persons units.

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 are currently 134 applicants who have selected Middlewich as their first choice. These applicants have indicated that they require 39 x 1bed, 48 x 2bed, 30 x 3bed and 3 x 4bed units (14 applicants have not specified how many bedrooms they require)

Our 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.

Therefore there is a requirement for 7 affordable units on this site with a tenure split of 65% rent and 35% intermediate tenure. The affordable units will be 7 x 2 bed houses, split as 4 for social or affordable rent (Plots 15-18) and 3 as shared ownership intermediate dwellings (Plots 12, 12A and 14).

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. Whilst the proposal is not fully pepper potted throughout the site, the proposed social units will be of the same materials and they will look no different to the general vernacular. On balance, this is considered acceptable.

Where pepper-potting is not fully achieved the Affordable Housing should normally be provided no later than occupancy of 50% of the open market units.

The Applicant (in the light of highways concerns from neighbours within the Glastonbury Drive/Tewkesbury Close area about construction access through the estate puts forward Nantwich Road as the construction access. This would mean that the affordable housing units adjacent could not be immediately developed. Therefore the developer suggests that the affordable units would not be provided until circa 80% of the open market houses have been occupied.

Whilst this would not normally be acceptable, in the light of the the concerns expressed by a large number of people within the estate the Strategic Housing Manager raises no objection to the providing of the affordable units after 80% of the market units have been occupied.

Members should be aware, however, that the Highways Engineer would have no objection to the use of the Glastonbury Drive/Tewkesbury Close for construction access purposes if it is considered that the affordable housing should be provided no later than 50% occupancy.

Neighbours on Nantwich Road have raised concern about the use of the shared drive on Nantwich Road for construction purposes.

Ecology

The submission includes a survey for protected species (bats) and reptiles. A single Common Lizard was recorded on site during the submitted reptile survey. Common lizard is a species which is protected from killing and injuring. It is also a UK BAP priority species and is listed on S41 of the Natural Environment and Rural Communities Act as being a species of principal importance in England. Based on the submitted assessment the site is likely to support a small population of the common lizard. A scheme of translocation has been submitted which is considered acceptable.

The site supports a relatively low level of bat activity with no evidence of roosting bats recorded. The proposed development may have a minor impact upon foraging bats. To mitigate any loss of bat foraging/commuting habitat it is recommended that the boundaries of the application site are enhanced through the creation of native species hedgerows and the planting of appropriate native trees as part of the landscaping of the site.

Renewable Energy

RSS (Policy EM18) policy also necessitates that, in advance of local targets being set, large new developments should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated that this is not feasible or viable.

No information is provided with the application concerning the contribution the development will make to on site renewable or low carbon energy supply. Given the layout proposed and the circumstances of the site, it is considered that it is viable and feasible to meet the requirements of the RSS policy and a detailed scheme should therefore be secured through planning condition.

Conclusion

This site is within the existing urban area and is considered highly sustainable. It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Given the sustainable nature of the proposal, there is a strong presumption in favour of the development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity of neighbours, ecology, drainage and highway conditions in the vicinity of the site.

A suitable Section 106 package is recommended which is considered to be compliant with Section 112 of the CIL Regulations to enable the proposed development to provide adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, the necessary affordable housing requirements and monies towards the future provision of education given the numbers of family sized accommodation.

Community Infrastructure Levy (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 affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 24 family sized dwellings, the occupiers of which will use local facilities as there is no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council’s Supplementary Planning Guidance.

The highways contribution will be utilised to mitigate for the additional traffic and to assist in improving the pedestrian environment in the vicinity to encourage sustainable modes of transport.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- Provision affordable housing provision on site in the form 4 x 2 bed & 2 x 3 bed as affordable rented units and 3 x 2 bed intermediate units
- Provision affordable housing provision on site in the form 4 x 2 bed as social rented affordable units and 3 x 2 bed as intermediate units
- Amenity green space contribution in lieu of on site provision:

Recreation Space	Enhanced Provision: £ 3,909.42
	Maintenance: £ 8,750.50 (25 years)
Open Space	Enhanced Provision: £10,621.22
	Maintenance: £22,089.00 (25 years)
- Highways commuted sum of £30000 for provision of waiting restrictions and pedestrian improvements on Glastonbury Drive, Nantwich Road

And the following conditions

1. Time limit – 3 years
1. Plans
2. Materials – samples to be agreed
3. Access to be constructed, formed and graded to satisfaction of highways authority
4. Protection of highway from mud and detritus during construction
5. Tree and hedgerow protection measures
6. Arboricultural Specification/Method statement
7. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
8. Implementation of landscaping scheme
9. Submission of updated ecological survey (badger)
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes

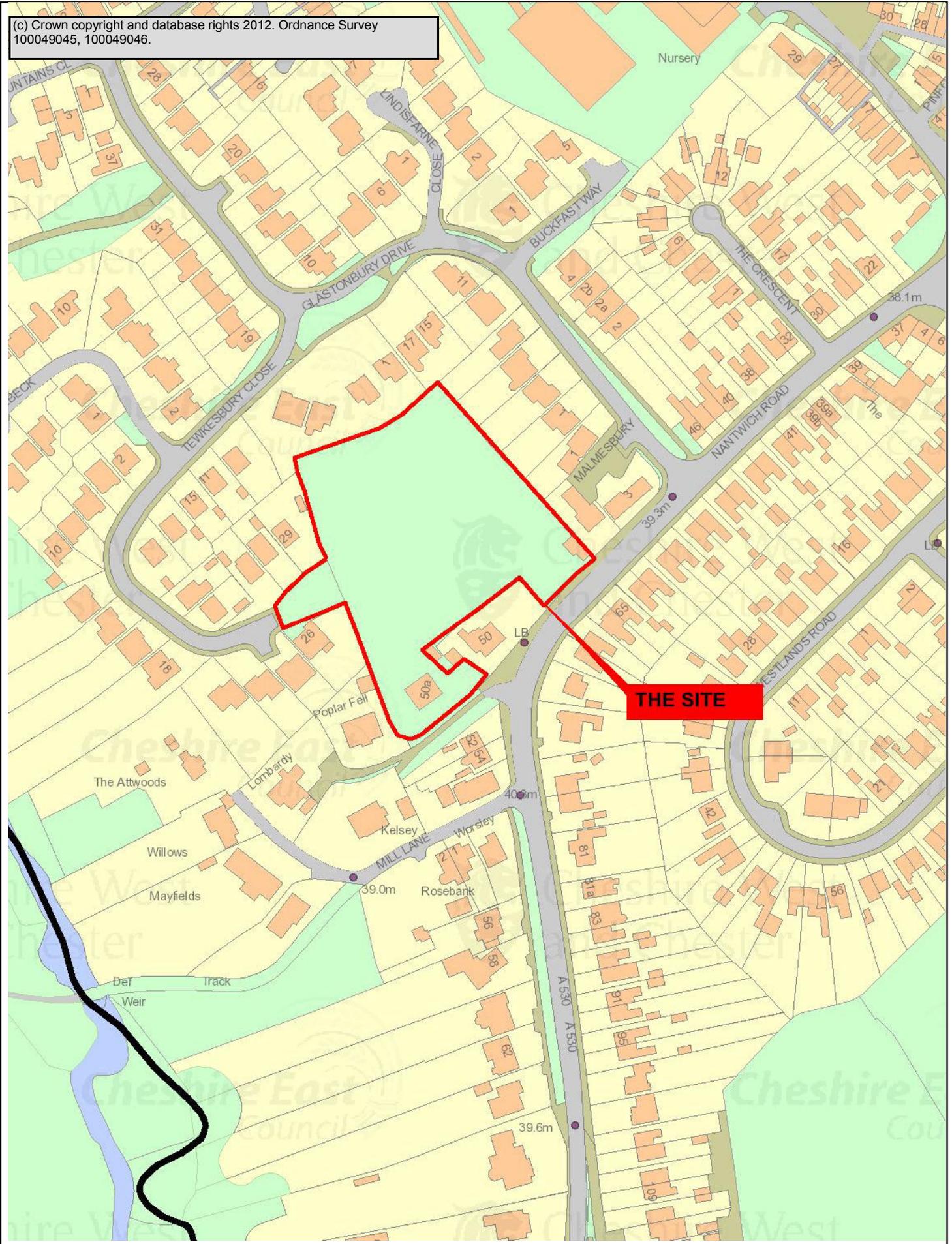
12. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
13. Site drainage on separate system - details to be submitted
14. The hours of construction/demolition 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
15. 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
16. Submission of mitigation measures to minimise any impact on air quality from construction dust
17. Submission of a Contaminated Land Phase II investigation.
18. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
19. 10% renewables
20. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Landscaping to include replacement hedge planting to boundaries
24. Open plan estate layout – removal of permitted development rights for fences in front gardens
25. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
26. Details of ground levels to be submitted
27. Details of bin/bike store to be submitted and implemented for plots 12-15
28. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
29. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
30. The parking provision to plots 12 to 15 shall be a maximum of 150%

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3877N

Location: LAND ADJOINING THE BRIDGE INN, BROAD STREET, CREWE

Proposal: Extension to Time Limit on Planning Permission 10/0196N: Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers.

Applicant: Mr J Warters, Two Dales Limited

Expiry Date: 02-Dec-2012

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

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

1. DESCRIPTION OF SITE AND CONTEXT

The application site is a vacant plot of land to the south of Broad Street and to the east of the Bridge Inn Public House. The area is mainly characterised by two storey dwellings with dwellings fronting Lime Street to the west (the West Coast Main Line lies beyond these properties) with terraced properties fronting Crossway located to the east of the application site. The majority of the site currently lies overgrown and un-used with a smaller section of the land to the north of the site being used as a beer garden for the Bridge Inn. To the north-west corner of the site a small car-park provides parking for the Bridge Inn

2. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission 10/0196N. This permission relates to the construction of old persons residential care home comprising 46 single bedrooms and 20 independency units, of 2 storeys plus attic dormers. This application was approved on 21st April 2010.

3. RELEVANT HISTORY

10/0196N - Construction of old persons residential care home comprising 46 single bedrooms and 20 independency units, of 2 storeys plus attic dormers – Approved 21st April 2010
P07/0983 - Rearrangement of Existing Car Park and Erection of 14 Residential Dwellings – Approved 12th October 2007

4. POLICIES

National policy

National Planning Policy Framework

Local Plan policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP4 – Make the Best Use of Existing Resources and Infrastructure
EM18 – Decentralised Energy Supply

Other Material Planning Considerations

The EC Habitats Directive 1992
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Supplementary Planning Document on Development on Backland and Gardens
Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

Environmental Health: Conditions suggested in relation to noise, dust control and contaminated land.

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

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

6. OTHER REPRESENTATIONS

No representations received at the time of writing this report

7. APPLICANT'S SUPPORTING INFORMATION

No supporting information provided

9. OFFICER APPRAISAL

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

Since the original planning application was approved the National Planning Policy Framework has been published. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. The proposed development of this site within the Crewe Settlement Boundary is supported by the NPPF.

In terms of the contents of the NPPF in relation to sustainable development, design, drainage, highways, the environment (trees & ecology), it is considered that the NPPF is still consistent with the Local Plan and it is not necessary to reconsider these elements against the NPPF.

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

There are no changes on this site or adjoining the site and the findings of the original report in relation to the design of the proposal, the impact upon residential amenity and the highway implication still apply. The proposed development is therefore recommended for approval.

11. CONCLUSIONS

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

The condition details have been approved as part of application 10/0196N and the wording of the conditions has been changed to reflect this.

12. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard time 3 years**
- 2. Materials to be as per the letters of 13th September 2010 & 16th March 2011**
- 3. Surfacing materials as per the attachments to the letter of 22nd July**
- 4. Landscape scheme as per plan reference REV A**
- 5. Landscape scheme to be completed in accordance with the approved details**
- 6. Boundary treatment as per the attachments to the letter of 22nd July 2010 and attached to the e-mail of 7th March 2011 from Andy Pyatt**
- 7. Provide car parking as shown on the approved plan**
- 8. Drainage details as per plans reference 2500MM/D1 and 1130/11**
- 9. Access to be constructed to CE spec**
- 10. Footpath link to front of site to be provided in accordance with plan reference 1130/21 Revision G**
- 11. Access to 175 Broad Street to be retained**
- 12. Approved plans**
- 13. Obscure glazing to be provided and retained**
- 14. The noise attenuation measures described in paragraph 2.1 Traffic Noise Assessment and paragraph 2.2 Entertainment Noise Assessment of the Technical Report dated 7th October 2009 should be undertaken by the developer.**
- 15. Window reveals of 55mm to be provided to all windows and doors**
- 16. Restrict use of the site to use class C2 (Residential Institutions)**
- 17. Cycle parking as per the agreed details**
- 18. Gas Absorption Heat Pump to be provided and retained**
- 19. Detail of window design details as attached to e-mail of 23rd July 2010**

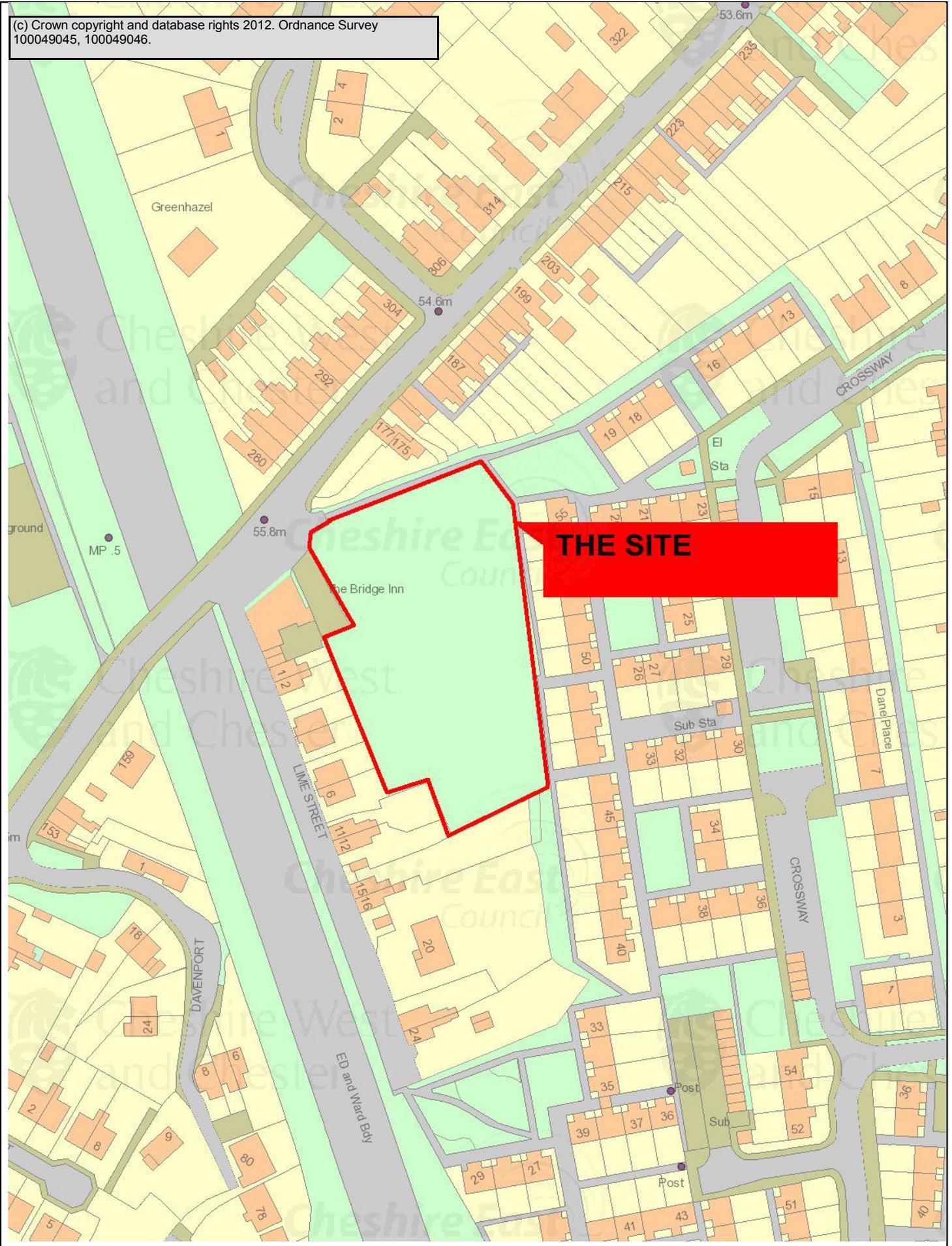
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Extension to Time Limit

RECOMMENDATION:



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Application No: 12/1650C

Location: WATERWORKS HOUSE, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: Demolition of existing two-storey dwelling, removal of water treatment storage and settlement tanks, construction of 12 two-storey detached dwellings together with associated car parking and landscaping works, closure of vehicular access onto Dingle Lane and formation of new access onto Tiverton Close

Applicant: The Waterworks Trust

Expiry Date: 27-Jul-2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development

Housing Land Supply

Amenity of Neighbouring Properties

Highway Safety

Ecology

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee because it is a major development of more than 10 dwellings.

DESCRIPTION AND SITE CONTEXT

The application site comprises a vacant detached dwelling house, set in a very large plot, that is derelict due to a fire and vandalism. As its name suggests, the house was part of the former water treatment works and within the site are the now disused water storage tanks.

The site is designated as being within the Settlement Zone Line of Sandbach, within a Protected Area of Open Space and within a Wildlife Corridor. To the north and west of the site is existing residential development, with Sandbach Park adjacent to the existing housing to the west. To the south east is the A534 Old Mill Road. Vehicular access is currently taken from Dingle Lane, with pedestrian access both from Dingle Lane and Tiverton Close. The site is surrounded by footpaths, including Public Footpath 11, although none of the footpaths pass through the site.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for 12 dwellings. Access is to be taken from the turning head of Tiverton Close.

The development would comprise 12, two-storey detached dwellings within a new cul-de-sac. Three house types are proposed within the site, 5, five bedroom houses, 4, four bedroom houses and 3, three bedroom houses, all of which will have integral garages. The external finish would be brick, with tiled roofs and white UPVC windows and doors.

RELEVANT HISTORY

20100/1	Appeal allowed for residential development	1989
23370/3	Approval for residential development	1991
24811/3	Refusal for erection of 12 dwellings	1993

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

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

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

MCR3 Southern Part of the Manchester City Region

RT2 Managing Travel Demand

RT9 Walking and Cycling

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

Congleton Local Plan 2005

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

PS4 Towns

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats
NR4 Non-Statutory Habitats

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities
SPD14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling, contaminated land and noise attenuation measures for traffic noise generated from the A534.

United Utilities:

None received at the time of report writing.

Environment Agency:

The Environment Agency originally objected to the proposal as it was concerned that the development would be within 8 metres of the top of the bank of Arclid Brook. This objection was subsequently withdrawn when it was confirmed that this was not the case. No further objections were raised.

Highways:

I note the applicant's previously-supplied information on swept paths and am satisfied that it will be acceptable.

In respect of justification of the requested S106 highway contribution, I attach the following:

The highway system in and around Sandbach is under considerable stress owing to volumes of traffic and the position of the town in relationship to the strategic road network. Locations of particular concern are Junction 17 of the M6, the Waitrose roundabout and the Old Mill Road/ High St/The Hill junction. Further development in the Sandbach area will exacerbate these pressures.

As a consequence, and to fund offsetting improvements to the highway network, the Council has successfully sought developer contributions toward improvement schemes. Although the impact of individual developments on individual junctions may be slight, the cumulative effect is to increase congestion.

In requiring a S106 contribution in respect of this particular development it is anticipated that all of the contribution would be allocated to a proposed improvement of one of the three above-mentioned congested junctions rather than as a contribution to the highway improvement programme as a whole. The most likely scheme to which it will contribute is the proposed improvement of the A533/A534 junction at Old Mill Lane/ High St/ The Hill. This

junction experiences peak-hour congestion and a scheme has been drawn up which is awaiting the assembly of funding.

Although it is appreciated that the volume of traffic from the development may be small, as referred to above the financial contribution is intended to recompense for its impact over Sandbach as a whole.

Green Spaces

Amenity Greenspace

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission (in accordance with the submitted details on the Proposed Site Plan, Drawing No. 1030/PL/004, dated 25 April 2012), there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

However a deficit in quality has been identified at Sandbach Park. There are current plans to regenerate the wetland and pond area within the park which will enhance the area not only for the public but for wildlife by increasing the biodiversity of the area. As this planning request is proposed on what forms part of the wildlife corridor and is on RC2 land this is a good opportunity to mitigate the loss by helping to increase the value at Sandbach Park.

It is appreciated the design has been considered thoroughly leaving the Southern section and West/North West section of the site relatively untouched. This developer has recognised the need for this wooded area to be protected and indeed enhanced.

In addition to the above, it is recommended that any enhancement planting proposed which runs throughout the development site are designed with their eventual maturity in mind, given the maintenance implications and problems that may arise. It is with this in mind, I suggest the landscaped areas are transferred to a management company.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions for Sandbach Park sought from the developer would be:

Enhancement:	£ 2,271.69
Maintenance:	£ 5,084.75 (25 years)

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study and there would be a requirement for new provision. However as this site has size restrictions and is close to Sandbach Park then contributions towards Sandbach Park are preferred.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhancement:	£ 3,937.51
Maintenance:	£12,835.00 (25 years)

Streetscape would respectfully ask to be notified of any observations you may have regarding these comments, and to be informed of any changes that are made to the initial proposals as soon as you are aware of them.

Public Rights of Way

I have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way. It is noted that there are a number of informal footpaths around this location that will remain unaffected by the development.

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

VIEWS OF TOWN COUNCIL

No objection subject to the development not affecting the woodland corridor.

OTHER REPRESENTATIONS

At the time of report writing, 62 representations have been received relating to this application, including one from the local MP Fiona Bruce and several from a group of local residents. The representations express concerns about the following issues:

Land Use

- Loss of an area of undeveloped, natural open land
- Not in accordance with the Sandbach Town Strategy
- The land is not really brownfield
- Adverse impact on the character of the historic market town of Sandbach
- The excessive amount of development proposed for the whole of Sandbach and their cumulative effect
- Flood Risk
- Loss of a protected area of open space
- Loss of an area of land that provides health benefits
- Land contamination
- The SHLAA states that the site is not suitable or achievable for development
- The main expansion area should be Crewe
- Contrary to several of the requirements of the NPPF
- Loss of pedestrian access to the town centre
- Visual intrusion

Highways

- The access Adlington Drive to Tiverton Close is unsuitable and too narrow
- Lack of a footpath on Tiverton Close
- Adlington Drive is unsuitable for additional traffic
- Additional traffic that the roads will be unable to cope with

- Increased traffic will lead to more overloading of the transport infrastructure of Sandbach especially Junction 17 of the M6
- Increased risk to children, families and elderly people from increased traffic
- Impact on the road surface and highway drains on Adlington Drive, which already have problems
- Insufficient parking provision
- Increase in the volume of traffic
- Danger from traffic for people using the footpath at the access to the site
- Danger and disruption from construction traffic
- Danger to children playing in Tiverton Close
- Access should be taken from Old Mill Road and the speed limit reduced to 40 mph to reduce noise and pollution

Design

- Excessive density out of character with the area
- 5 bedroom houses are not in keeping with the surrounding houses

Amenity

- Loss of privacy to dwellings and gardens
- Loss of a sound barrier to existing dwellings
- Disturbance during land remediation and construction
- Car lights shining into windows when leaving the site
- Excessive noise generation

Landscape and Ecology

- Loss of trees
- The fact that trees had been removed prior to submission of the application
- Adverse impact on and loss of the wildlife corridor
- Loss of habitat for species including Buzzards, Bats, Herons, Badgers and Rabbits
- Inadequate ecological information included with the application
- Loss of one of the only two wildlife corridors in the former Congleton Borough
- Loss of wildlife visiting local gardens due to the development
- A recent survey of residents recorded a 95% of people rating the retention, protection and enhancement of the wildlife corridor as 'important' or 'very important'
- Adverse impact on the flora in the area

Other

- Impact on Public Footpath 11
- The access path from Tiverton Close has been used for in excess of 48 years and therefore qualifies as a public right of way
- There is no demand for market housing such as this
- The site has previous planning applications refused
- Inadequate publicity given to the application
- Destruction of views from the footpaths
- Contrary to previous decisions by the Secretary of State in relation to appeals in Sandbach

- The developers claim that the development will make the site safe, it is not unsafe now
- More people in Sandbach will lead to higher unemployment or more commuting
- The Adlington Drive development was only allowed subject to protection of this area during construction
- Reduction in property values

APPLICANT'S SUPPORTING INFORMATION

- Planning, Design and Access Statement
- Flood Risk Assessment
- Ecology Report (Pinnacle)
- Addendum on Ecological Issues (Ascerta)
- Arboricultural Report
- Landscaping Scheme
- Landscape Visual Assessment
- Transport Assessment
- Phase 1 Contaminated Land Report
- Ground Investigation Report

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The National Planning Policy Framework published in March 2012, superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

The NPPF clearly states at paragraph 49 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.”*

- The NPPF therefore is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered to be up to date. Where policies are out of date planning permission should be granted 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.”*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. It is considered that the principle of the scheme is acceptable and that it accords with the general policy of encouraging housing to meet the supply needs of the authority. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favour of the development should not apply and this is considered in more detail below.

Planning Policy and Housing Land Supply

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

The SHLAA 2010, identifies the site (reference 2873), as mixed Brownfield and Greenfield. It also states that it has the capacity to accommodate 19 dwellings, is available but not achievable and not developable. The information submitted with the application seeks to demonstrate that the site is both developable and achievable.

Design and Layout

The development would comprise the erection of 12, two-storey dwellings arranged around a cul-de-sac. This layout is very similar to the surrounding development, including Ravenscroft Close and Hartford Close and as such it is considered to be acceptable.

Having regard to the design of the properties, this would reflect that of the neighbouring housing estate. The two-storey brick built buildings with integral garages are therefore considered to be acceptable in terms of design and in compliance with Policy GR2 (Design), of the adopted local plan and the requirements of the NPPF.

Affordable Housing

This application is for 12 dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

Amenity

The application site has residential properties on two of its boundaries, which includes Adlington Drive, Ravenscroft Close and Tiverton Close. The distances between the proposed dwellings and those existing would fully comply with the requirements laid down in the supplementary planning guidance in the Congleton local plan. As such there would be no adverse impact on the residential amenity of the neighbouring properties in terms of loss of privacy or light.

Some representations expressed concern that there would be an adverse impact on privacy in their rear gardens. These concerns have been given careful consideration. However, given the separation distances between the plots, it is not considered that this could be sustained as a reason for refusal of the application.

Concerns have been expressed about noise and disruption during the construction process. Whilst these concerns are understandable, the conditions recommended to control the hours of construction, deliveries and piling, will ensure that any disturbance would be limited to acceptable levels.

The issue of car lights shining into the windows of existing dwellings has been given careful consideration; however it is not considered that the addition of 12 dwellings, adjacent to an existing housing estate would cause significant disturbance to the levels of residential amenity currently enjoyed by the occupiers of the existing dwellings. Noise generation from the proposed new dwellings is also not considered to be significant enough to warrant refusal of the application.

Having regard to the amenity of future occupiers of the proposed dwellings, Environmental Protection has requested a condition relating to protection from traffic noise from the A534. This is considered to be reasonable.

Highways

Access to the site would be taken from the turning head of Tiverton Close. The Strategic Highways Manager has assessed the application and considers that the development would be acceptable in highway safety and parking provision terms.

Many of the objections to the proposal have expressed concerns about highway safety; however, given that the application is for only 12 dwellings and in the absence of an objection from the Strategic Highways Manager, it is not considered that this would constitute a sustainable reason for refusal of the application.

Objectors have suggested that access should be taken from Old Mill Road (A534). It should be noted that an access from this road does not form part of the application and has not been requested by the Strategic Highways Manager. As such it is not a consideration in the determination of this application.

The Strategic Highways Manager has requested that the developer contribute £3,000 per dwelling, to be secured by Section 106 Agreement. A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The developer has questioned how this figure has been calculated and how it meets the requirements of s106 and the CIL Regulations. In addition they have stated that they do not object to a contribution that is properly justified, but do not believe that a development of this size justifies such a large contribution.

Having regard to this proposal for 12 houses, it cannot be argued that it is *necessary* to make the development acceptable, *directly* related to the development or *fairly* and *reasonably* related in scale and kind. As such the requirement for this contribution would not comply with the three tests set out in the CIL Regulations.

Ecology - Protected Species & Nature Conservation

Bats

No evidence of a roosting has been recorded on site. The site is however used by bats for foraging, with most activity being of two common and widespread bat species. The submitted report states that most activity takes place along the northern hedgerow however bats were also recorded flying broadly around the remaining buildings on site.

It is noted from the submitted landscaping plan that whilst the existing northern hedgerow and trees will be retained it appears that this will be cut back to create a more formal site boundary. It is also likely that other bat species will also forage on insects associated with the grassland habitats on site.

It is therefore considered that the proposed development will result in the loss of bat foraging habitat. This impact is likely to be relatively local in scale.

Badgers

A disused badger sett is present on site. No field badger field signs were recorded during latest survey, however Badger runs were found to be present on site during the previous survey undertaken in April.

It is advised that whilst the proposed development is unlikely to result in any direct impact upon a badger sett, however it will result in some loss of badger foraging habitat. This adverse impact is again likely to be localised in scale.

Great crested newts

No evidence of great crested newts was recorded during the surveys undertaken. The additional survey report states that the surveys were undertaken under appropriate weather conditions but no information on what these conditions were has been provided.

White clawed crayfish

No detailed survey for this species has been undertaken however it seems unlikely that the proposed development would have a significant impact on this species as the brook appears unaffected by the proposed development.

Water vole and otter

A satisfactory survey has now been completed for both of these protected species. No

evidence of these species was recorded and I advise that these species are unlikely to be present or affected by the proposed development.

Reptiles

No detailed reptile survey has been undertaken and current view is that one is not required. Confirmation has been received that no reptiles were observed on the site during the most recent surveys.

Common Toad

Common toad a UK BAP species and hence a material consideration has been recorded on site. Whilst no breeding habitat will be lost the proposed development will result in the loss of terrestrial habitat utilised by this species.

It is considered that the proposed development is likely to have an adverse impact on this species at the local scale.

Habitat/botanical value

As the site has been disused and unmanaged for a period of time semi-natural habitats have developed. These habitats support a number of common plant species which in turn offer habitat for invertebrates, small mammals and birds.

In botanical terms the semi-improved grassland habitat on site is likely to have the most nature conservation value. However, whilst the grassland is unlikely to qualify as UK BAP priority Habitat or be suitable for designation as a local wildlife site the grassland should be regarded as having nature conservation value in the context of the site and associated wildlife corridor. The initial submitted ecological assessment states that the site has moderate ecological value due to the presence of the hedgerows, trees and it being part of the riparian zone.

The proposed development will result in the loss of a section of hedgerow to facilitate the proposed site entrance. There also appears to be a loss of trees associated with the proposed plot 6 together with the loss of grassland habitat across much of the remainder of the site.

It is noted that additional tree planting is proposed outside the boundary of the application site. Whilst native tree and shrub planting is usually welcomed an area of semi-improved grassland is also being proposed for tree planting. This habitat is likely to have equal nature conservation value to the newly planted trees and it is not considered that the planting will lead to any significant ecological gain.

Ecological Conclusion

Whilst not being likely to compromise the legal protection afforded any particular species or result in the loss of any habitats considered to be local national priorities the proposed development will have a low magnitude adverse impact upon a number of protected species and BAP species together with the loss of some habitats which have value at the local scale. Whilst each of these impacts is of a relatively low magnitude the proposed development is located within the Sandbach Wildlife Corridor which receives protection under the Congleton Local Plan.

It is considered that the proposed development whilst not being likely to compromise the overall integrity of the wildlife corridor, would result in the loss of some ecological interest

within it and reduce the total area of semi natural habitat within its existing local plan allocation.

If planning consent is granted it is recommended that the adverse impact of the proposed development upon the wildlife corridor, which is a material consideration under local plan policy NR4, be 'off set' by means of a commuted sum secured through a section 106 Agreement or unilateral undertaking. This commuted sum could be used to implement habitat creation works elsewhere in Borough potentially in partnership with the Natural Improvement area partnership, Cheshire Wildlife Trust or Natural England.

Based on the following: the site being roughly 0.5ha the majority of which is semi-improved grassland and that there may also be some loss of habitat for bats, common toad and potentially badgers, a contribution should be calculated along the lines of the following (using the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

- Cost of land purchase - including admin, management planning and transactional costs : £12,108.00 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland £2,473.00 (Source UK BAP habitat creation/restoration costing + admin costs)

Considering the above we would therefore be seeking a contribution in the order of £14,581.00. To reiterate the rationale for this payment is to address the residual loss of habitat within the Sandbach Wildlife Corridor and to ensure that the impacts of the proposed development can be fully addressed to ensure that the proposals can be confidently assessed as being 'sustainable' in terms of ecology/biodiversity. This approach obviously has implications for the determination of the planning application in light of the NPPF.

If the developer is not in agreement with this figure it is suggested that an independent assessment using the Defra offsetting 'metric' methodology could be undertaken without any cost to either the Council or the developer by an independent offset broker such as the Environment Bank www.theenvironmentbank.com. An assessment of this sort would quantify the residual ecological impacts of the development and calculate in 'units' the level of contribution which would be required to offset these impacts.

In terms of how the contribution would be 'spent' to deliver nature conservation benefits within the Borough some further discussions have been held with the Nature Improvement (NIA) partnership regarding identified needs for creation at sites which are within both the NIA and Cheshire East. The partnership holds a list of designated sites (both statutory and non-statutory) sites within the boundary of the NIA and is in the process of establishing relationships with land owners and is working to identify sites in need strategic habitat creation works. It is therefore considered that the maximum benefit would be secured by 'spending' any contributions secured within the NIA as this is likely to deliver the most benefits for nature conservation.

Landscape and Forestry

There are lengths of hedgerow and a number of mature trees on the site boundaries and a water course runs off site to the south.

Landscape

The site lies within protected open space and a wildlife corridor. The wildlife corridor extends from Arclid sand quarry to Wheelock, in part following the course of the Arclid Brook. A number of parcels of protected open space are within or adjoin the corridor, providing a landscape buffer to the town and a diversity of ecological habitats. Whilst the site of the application is in private ownership and as such is not publicly accessible, it is readily visible from the adjacent public footpath. It is also visible from neighbouring residential properties and glimpsed views can be obtained from the A 534.

The submission includes a Landscape and Visual Assessment. In the Assessment the landscape is considered to have a medium sensitivity to the proposed development due to the limited public views into the site.

The visual impact assessment considers views from three points; Point A, a position on a public footpath to the south east of the site; Point B, a position on a path to the north west of the site, representing residential properties and Point C, a point on the boundary of the site with the A 534 corridor. The analysis appears to be reasonable and it is accepted that the findings, in so far as the development has been judged are likely to have significant visual impact on point A during construction, reducing to moderate/significant on completion. The impact at Point B would be slight to moderate during construction, reducing to negligible and the impact at Point C would be moderate/significant reducing to moderate.

Whilst there would be limited opportunities to mitigate the visual impacts during the construction phase, the submission proposes that mitigation measures are undertaken to assist in the integration of the development into the local environment. Such measures include additional planting and footpath improvement. It is accepted that to some extent, measures could help to mitigate the impact of the development however, there is no doubt that that the development would alter the character of the immediate area and change the outlook for the visual receptors. A narrow buffer of vegetation would be retained on the eastern side of the site and may help to maintain the integrity of the wildlife corridor.

Much of the mitigation planting and landscape work appear to be outside the site edged red. Measures would need to be put in place to secure the implementation and management of these works perhaps under a legal agreement.

Landscape proposals are provided and are generally reasonable however, It is considered that some of the tree species may need amendment and that further planting may be necessary to the south western boundaries of plots 6 & 7. This could be addressed by condition.

Forestry

There are a number of trees around the periphery of the site. None are subject to TPO protection although collectively they contribute to the character of the site and its surroundings. The Arboricultural Impact Assessment covers 20 individual trees and 1 group of trees. Of those surveyed, 2 trees and part of a group of trees would need to be removed for the development. The specimens in question are not exceptional. 4 trees would have to be removed for their condition.

Sustainable Urban Drainage (SUDS) measures could impact on trees to the south of the site. The SUDS proposals are conceptual and this aspect of the development would require further consideration. This could be controlled by condition.

Open Space Provision

The Greenspaces department have assessed the application and noted that there is no on-site provision of public open space. They have identified a deficit in amenity greenspace quality at Sandbach Park. A deficiency in Children and Young Persons Provision has also been identified and contributions to Sandbach Park are requested.

The Council's Guidance note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development requires that financial contributions should be sought from the developer to upgrade and maintain these facilities. These have been calculated as £6,209.20 for enhanced provision and £17,919.75 for maintenance, a total of £24,128.95. This funding should be secured through s106 Agreement.

Flood Risk

A Flood Risk Assessment has been submitted with the application. This assessment concludes that: *"Although situated on the northern bank of Arclid Brook, the Environment Agency's updated flood map for the area confirms that the predicted extent of flood zone 3 and flood zone 2 is restricted to land outside of the land edged red (land being developed) and is limited to land owned by the client that is in effect part of the brook's banks and river corridor.*

It goes on to say that: *"This updated map is therefore a better fit with our observed topographic data for the site. The Agency's model data for the predicted levels of flooding for the eastern (upstream) end of the site are therefore confirmed as; 1:100 year flood level (0.01 annual probability) of 55.93m above ordnance datum (AOD), the 1:100 year flood level (with allowance for climate change) is 55.99m AOD and the 1:1000 year flood level (0.001 annual probability) is 56.22m AOD.*

The report goes on to recommend that ground floor levels should where possible utilise the current local ground levels and/or be a minimum of 57.00m AOD. They also recommend the inclusion of sustainable drainage scheme within the site.

The Environment Agency has assessed the application and although they initially submitted an objection as they considered that the proposal was within 8 metres of the top of the bank of Arclid Brook. This objection was withdrawn when it was confirmed with the developer, that this would not be the case. No further objections were raised to the proposal. As such a refusal on flood risk grounds could not be sustained.

Other Matters

Some of the objectors to the proposal have expressed concerns relating to access to public footpaths. The development would have no impact on access to Public Footpath 11 and while the new vehicular access would impact on the existing pedestrian access to the site, it would not restrict access to it.

The site is designated as being within 'A Protected Area of Open Space', however it should be noted that the site is privately owned and is not actually public space.

The perception that a development will lead to loss of property values is not an issue which the Local Planning Authority can take into account in the determination of a planning application.

The loss of a view over another person's land is not an issue which the Local Planning Authority can take into account in the determination of a planning application.

Trees on the site have been felled; however these were not subject to protection orders and therefore could be removed without the requirement to apply to the Council for permission.

Another issue raised by objectors is the level of publicity given to the application. Having regard to this, 14 properties were sent letters, a site notice was posted on a lamp post on Tiverton Close and an advert appeared in the Congleton Chronicle on 24th May 2012. It is therefore considered that the application was given an acceptable level of publicity. Given that the consultation period began on 24th May 2012 and representations will be taken into consideration up until the date that the proposal is considered by the Southern Planning Committee (21st November 2012), it is considered that local residents have been given sufficient time to raise any issues relating to the application.

Community Infrastructure Levy (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 commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 12 family sized dwellings, the occupiers of which will use local facilities as there are no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. Likewise, the future residents will utilise recreational facilities and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The contribution to the Natural Improvement Area is to off set the residual loss of habitat within the Sandbach Wildlife Corridor is and is considered to fair and reasonable and in compliance with the CIL Regulations

The requested contribution to highways does not relate directly to the development, nor is it fairly related in scale and kind. It is therefore considered that it does not meet the requirements of the CIL Regulations.

CONCLUSIONS AND REASONS FOR THE DECISION

It is acknowledged that the Council does not currently have a five year plus 5% housing land supply and that, accordingly, in the light of the advice contained in the National Planning

Policy Framework Document, it should provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Recent appeal decisions have concluded that little weight should be afforded to the IPP, which directs development towards Crewe and there is scope for new development in other towns in the Borough.

Having regard to the fact that the site is in such a sustainable location, in close proximity to the town centre and all its available facilities and services, it is considered to be in accordance with the NPPF's direction that the development can be approved without delay.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology, and landscape and flooding and accordingly is recommended for approval.

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing the off-site landscaping proposal, a financial contribution of £24,128.95 for enhanced provision and maintenance of public open space and £14,581.00 for off-site habitat creation.

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials.
4. Contaminated land Phase 11 investigation.
5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of drainage scheme.
7. Submission of an amended landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.
10. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations.
12. Protection measures for breeding birds.
13. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
14. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.
15. Submission of details ground levels and floor levels.

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3431N

Location: LAND TO THE NORTH OF EARLE STREET, CREWE, CHESHIRE, CW1 2AL

Proposal: Proposed new build Tool and Plant Hire unit (Use Class sui-generis), including site access, car parking, landscaping and associated infrastructure.

Applicant: Carl Banks, P.E.T. Hire Centre Limited

Expiry Date: 07-Dec-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Principle of Development;
- Trade Counter;
- Employment Site;
- Design;
- Amenity;
- Contaminated Land;
- Drainage;
- Highways; and
- Landscape

REFERRAL

This application is to be determined by the Southern Planning Committee as the floor area of the proposed building exceeds 1000msq.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the former Tile Giant store and the site of the Bell Vue public house, which was demolished several years ago. The site is flanked on western boundary by residential properties and to the north and east boundaries by other commercial/industrial buildings. To the south of the site is Earle Street. Overall, the application site measures approximately 0.42ha and is irregular in shape and is relatively flat. There is a mix of residential and commercial properties within the immediate locality and the application site is located wholly within the Crewe Settlement boundary.

DETAILS OF PROPOSAL

This is a full application for a proposed tool and plant hire building including a new site access, car parking, landscaping and associated infrastructure. Tool hire is considered to be sui generis (i.e. it does not fall into a specific use class).

RELEVANT HISTORY

P91/0224 – Illuminated Gantry Sign – Approved – 10th February 1992
P92/0007 – Installation of Trough Lighting – Approved – 10th February 1992
P95/0270 – Non-Illuminated Signs – Approved – 15th May 1995
P95/0443 – Conversion of Storage Areas to Retail – Approved – 28th July 1995
P98/0344 – Non-Illuminated Adverts – Approved – 9th June 1998
P04/0178 – Change of Use to A1 (Retail) – Approved – 6th April 2004

POLICIES

National Policy

National Planning Policy Framework

Local Policy

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.7 (Existing Employment Sites)
NE.17 (Pollution Control)
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)
S.8 (Existing District and Local Shopping Centres)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

Other Material Considerations

All Change for Crewe

CONSIDERATIONS (External to Planning)

Environmental Health: No objections subject to conditions relation to hours of construction, pile foundations, floor floating, external lighting and hours of use.

Contaminated Land: No objection subject to a contaminated land condition

United Utilities: No objection

Landscape: No objection subject to a condition relating to landscaping

VIEWS OF THE PARISH / TOWN COUNCIL

Not Applicable

OTHER REPRESENTATIONS

One letter of representation has been received from the occupier of 9 Greystone Park. The objector raises the following salient points:

- The proposal is located near Grand Junction Retail Park and if allowed it will have a detrimental impact on amount of traffic in the area;
- The proposal will cast their property in permanent shade as it is only 50 feet away;
- The area is liable to flooding and the proposal will exacerbate the problem in the locality;
- The proposal will have a significant detrimental impact on residential amenity in particular during the hours of operation.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Transport Assessment
- Statement of Community Involvement
- Supporting Planning and Retail Statement

OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to retail policy, its impact on residential amenity, drainage, highway safety. Consideration must also be given to matters of design, layout, trees and landscaping.

Principle

The application site is situated on land to the north of Earle Street, Crewe and is approximately 3/4 km to the south east of Crewe Town Centre. The applicant seeks planning permission for one tool and plant hire business. The footprint of the proposed building is approximately 1265.92msq and the total floor area will be 2267msq split over two floors. The proposed unit will be used for the used for the tool and plant hire business, which is relocating from the opposite side of Earle Street. The current existing premises off Earle Street were

rebuilt and refurbished in 2002. The business has sold and hired a wide range of goods and has continued to do well over the recent years. Due to the economic down turn, the business has had to diversify the range of products sold and hired in order to compete in the market. The business has still continued to grow and as now out grown the current premises. Therefore, the applicant is proposing to relocate the current premises on to the opposite side of Earle Street.

The application site is located outside of the Crewe town centre boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map. It is considered that due to its distance from the town centre and the natural barrier of the railway line, it is considered that the application site is out of centre.

Policy S.10 of the Crewe and Nantwich Replacement Local Plan 2011 relates to major shopping proposals outside the centres of Crewe and Nantwich. According to the National Planning Policy Framework states *'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'*. (paragraph 24)

The policy guidance notes goes on to enunciate that *'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m)'*. (Paragraph 25). The Local Plan policy S.10 also states that a sequential test is required if the proposed retail floor space exceeds 2500sqm. However, the amount of retail floor space is well below this standard and as such a sequential test is not applicable.

Whilst it is acknowledged that the tool hire is a sui generis rather than a retail use, under the Use Classes Order, according to the submitted plans, the building includes a showroom and trade counter, and the business in question does sell a number of other ancillary items such as tools, protective clothing, accessories etc.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Furthermore, the NPPF states that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

It is noted that although retail is a town centre use, the nature of the products being sold means that the use does not lend itself to the town centre. Furthermore, the nature of the sales are very much ancillary to the main use as a hire centre. Therefore, on the basis of the floor area, and the ancillary nature of the general retail sales, it is considered that the retail element of the proposal is not in conflict with the local plan.

It is therefore agreed that the proposal would not conflict with relevant national and local policy which seeks to protect town centres from loss of vitality, due to the specialist nature of the use not being suited to a town centre location. Nevertheless, an appropriately worded condition should be imposed to ensure that the building will only be used as a tool / plant hire shop and for not other purpose.

There is no definition of “trade counter” in legislation, circulars and guidance notes. It is often considered however that the term generally refers to a discrete small area, separated from the remaining function of the unit where specialist purchases are made from either a small display or a computer. It is important therefore that the trade counter element referred to in the submitted plans is a small discrete area as stated above and is subsidiary to the main function of the building.

National and Local guidance advocates that Local Planning Authorities should consider using appropriate planning conditions to ensure that the retail elements remain ancillary to the main development. Conditions in this instance should also be used to limit internal alterations, limit the range of goods sold and control the mix of convenience and comparison goods.

Due to the location of the site and the neighbouring land uses any unfettered retail proposal may have a potential negative impact on the viability and vitality of the town centre. Therefore, it is imperative any proposal including retail elements are scrutinised and mechanisms such as planning conditions (as endorsed by NPPF) are used effectively to protect the vitality and viability of the town centre.

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

- Restriction on the sale of goods to tools/protective clothing and accessories non - food goods.
- Prevent sub-division of any of the unit
- Ensure that ancillary retail elements remain ancillary to the main development

The reasoning behind the use of such conditions would be to ensure that the trade counter element of the proposal is subsidiary and does not impact upon the vitality and viability of the town centre. The conditions above reflect this and should be implemented in the absence of a submission with this planning application relating to an assessment of need and the sequential test (amongst other tests as stated above) being requested by the Local Planning Authority.

The proposal will also need to be assessed against Policy S.8 (Existing District and Local Shopping Centres). This policy states that new retail development will be permitted within district/local centres which includes Earle Street provided it is in accordance with policies BE.1 to BE.5 (relating to design, amenity and parking provision etc) as contained within the Local Plan. The Governments ‘Planning for Growth’ Agenda is also an important material consideration.

According to the NPPF:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19).

The guidance goes on to state that:

'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it 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.*

The proposal will assist an existing thriving local business to continue to grow and expand and therefore the thrust of Government policy indicates that this is a proposal which the Council should be seeking to support unless there is any conflict with the NPPF in terms of the sustainability of the development.

Sustainable Development

The National Planning Policy Framework also promotes sustainable development. Transport policies have an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. The NPPF goes on to state that smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

In practical terms, this means that new industrial development should be located where the number of vehicle journeys generated is minimised. This means that an employment site should be accessible by a realistic choice of transport, walking and cycling. It is considered that the application site is in close proximity to the town centre and as such will be accessible by a wide mode of transportation and the proposal is broadly in accordance with advice advocated in the NPPF.

Employment Site

The approved use of the site is currently as a retail unit and public house. Therefore considered to be in "employment use" and must therefore be considered in relation to Policy E7 of the Local Plan, which deals with loss of existing employment sites. However, given that the proposed use will generate an additional three jobs and all the existing number of staff (15) will be retained it is not considered that there would be any conflict with Policy E7.

Design

According to the applicants Design and Access Statement the proposed layout of the application site has been principally influenced by the design constraints imposed by the road infrastructure, site boundary conditions and neighbouring land uses. According to the submitted plans the footprint of the proposed tool hire building is roughly rectangular in shape and measures approximately 18.4m wide by 68.8m deep and is 7.5m high to the eaves and 9m high to the highest part of the roof. The proposed building will be located centrally within the plot, with the main ridge running perpendicular to Earle Street.

According to the submitted plans there will be one access point. All vehicular movements will be via this access point. The remainder of the site will comprise areas of landscaping, car parking for up to 34 vehicles (2no. of spaces will be for disabled people) and a gas compound and storage yard.

The proposed unit will be set back approximately 7m tapering down to 1.8m from Earle Street and there will be two areas of car parking, one of which will be located immediately adjacent to the west of the store near the access point. Whilst the remaining parking will be located alongside the northern boundary and the gas compound and storage yard are located to the north east of the application site. The car parking alongside the northern boundary is accessed via a service road, which spans the entire front elevation of the building.

Whilst it is acknowledged that the car parking to the site frontage may make the site appear car dominated. It is considered that landscaping, which will be conditioned, in the event that planning permission is approved will help to soften the proposal.

The design and scale of the proposed building is typical of modern industrial units with shallow pitched roofs and is a simple portal frame construction and is constructed finished in profile sheeting and facing brick. A condition will be attached to the decision notice requiring detail of materials, in the event that planning permission is approved. The proposal incorporates a number of apertures on the various elevations. The general scale of the building has been broken down through the use of contrasting façade materials. The façades have been composed using strong vertical lines due to the kingspan profile sheeting with strong horizontal emphasis using windows. The front of the building, which directly faces Earle Street comprises large glazed area, which is broken up by vertical brick piers.

It is considered that the proposed unit is very uniform and utilitarian in form and is designed for functionality rather than form. However, the building is similar in design and size to other units within the area and across the Borough and it is considered that they will not appear as alien or incongruous features within the streetscene. As such, the proposal complies with policy BE.2 (Design Standards).

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does

not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In view of the previous use of the site as a public house and retail unit, subject to appropriate controls relating to opening hours, illumination etc. It is not considered that the nature of the proposed use will adversely impact on residential amenity of neighbouring occupiers.

The nearest residential properties are located to the west of the application site and the rear elevations of these properties face the application site. According to the submitted plans there is a distance of approximately 14m separating the rear elevations of these properties from the side elevation of the proposed building. According to the Councils adopted supplementary planning guidance there should be a distance of 13.5m maintained between the flank elevation of a two or three storey building and a principal window in a neighbouring dwelling to prevent loss of light to the window. It is noted that there several windows on this elevation facing the residential properties on Greystone Park, but these will be conditioned to be obscurely glazed, which will prevent any loss of privacy. Therefore, the wall in question is considered to be a flank elevation. Overall, it is considered given the orientation of the proposed building and the neighbouring residential properties and the separation distances will help to prevent any loss of privacy or over domination. It is considered that the proposal complies with Policy BE.1 (Amenity).

Contaminated Land

Although a tool hire business is not a sensitive end use, there is potential for contamination on the land given the historic use of the site. It is suggested that a Phase I Contaminated Land survey be carried out in line with the advice contained in NPPF. This can be secured by condition.

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.

Highways

The response from the Highways Officer has not been received at the time of writing this report. Members will be informed via the update report once comments from Highways have been received.

Landscape

As previously stated the land is a brownfield piece of land which for the most part is overgrown with weeds. There are no landscape features of any note. The Councils landscape officer has been consulted and raises no objection to the proposal subject to a condition relating to landscaping. Overall, it is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered 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 S1 (New Retail Development in Town Centres), S.8 (Existing District and Local Shopping Centres), S.10 (Major Shopping Proposals), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provision of the NPPF. 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. It is accordingly recommended for approval subject to appropriate conditions.

Approve subject to conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Details of Secured Covered Cycle Parking to be Submitted and Agreed in Writing**
- 5. Surfacing Materials to be submitted and agreed**
- 6. Details of Boundary Treatment to be submitted and approved**
- 7. Details of the bin storage area to be submitted and agreed in writing**
- 8. Landscaping submitted**
- 9. Landscaping implemented**
- 10. Windows in the side elevation facing Greystone Park at first floor level to be obscurely glazed**
- 11. No subdivision**
- 12. Drainage scheme to be submitted and approved in writing**
- 13. Contaminated land report**
- 14. Car parking and turning areas to be made available prior to the first occupation of the building**
- 15. The building shall be for the sale/hire of tools and plant only**
- 16. Floor Floating**

17. Hours of Construction

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

18. Hours of Operation

19. No external lighting

20. Pile foundations

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

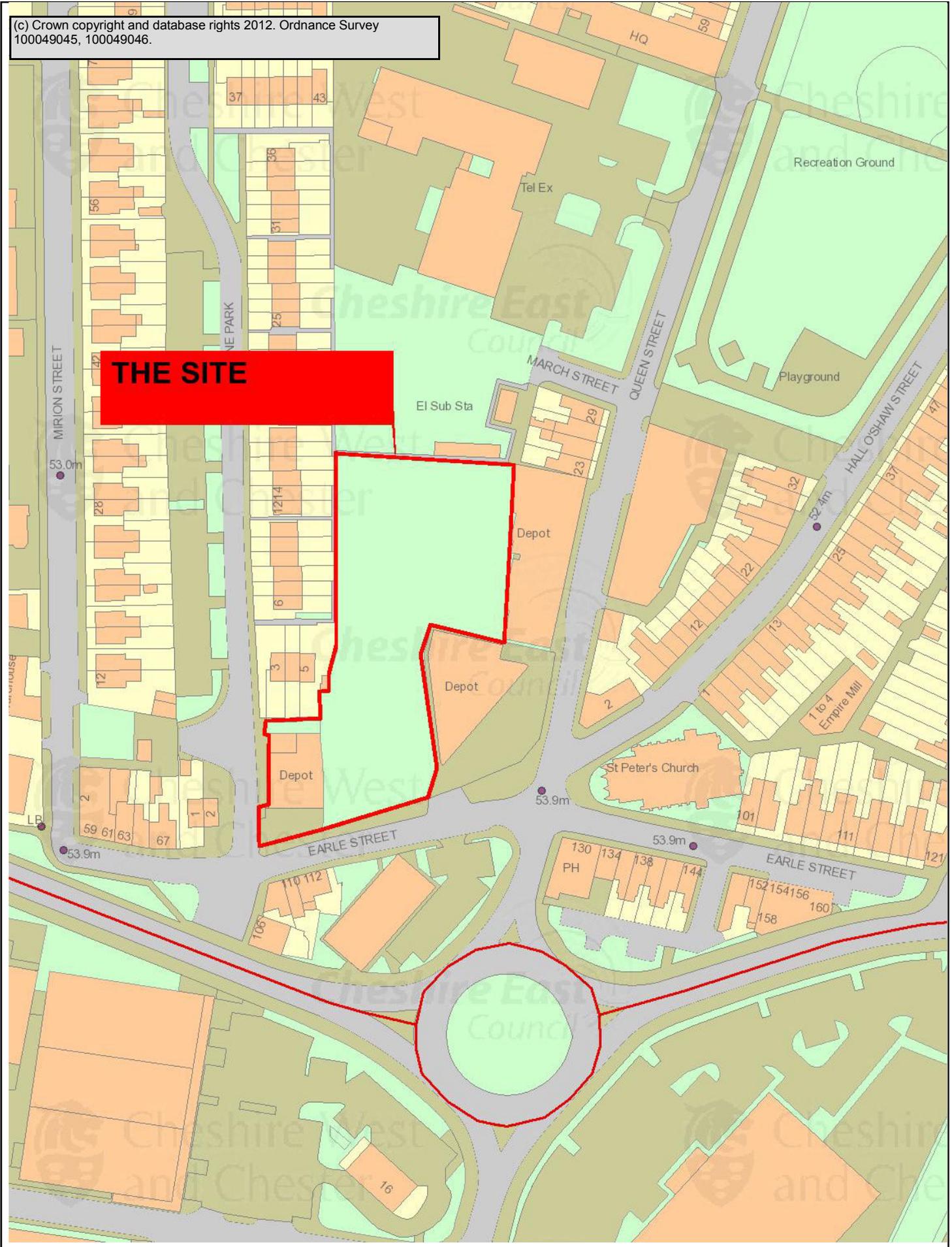
21. Trade Counter

Application for Full Planning

RECOMMENDATION:



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Application No: P09/0014

Location: Land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown

Proposal: Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure

Applicant: R.G. Harris Ltd

Expiry Date: 17-Aug-2009

SUMMARY RECOMMENDATION: Approve subject to planning obligation relating to a commuted sums payment for open space provision and to secure the delivery of 11 affordable units

MAIN ISSUES

- Principle of Development
- Affordable Housing
- Public Open Space
- Amenity
- Protected Species
- Design
- Highway Safety
- Sustainability
- Regeneration

REASON FOR REPORT

The application has been referred to the Southern Planning Committee as the applicant would like to vary the terms of the planning obligation. It was deferred at the last meeting for further information to explain why the affordable provision is being reduced. This is provided within the affordable housing section of the report below.

DESCRIPTION OF SITE AND CONTEXT

The application site boundary comprises two unallocated brownfield sites within the settlement boundary of Crewe.

The two parcels of land are located at the junction of Hightown and Heathfield Avenue:- the larger site is located on the northern side of Heathfield Avenue. This measures 1846 sq. m and comprises a vacant row of shops with lock up garages to the rear. This is referred to as "site 1". The smaller site measures 360sq. m and is occupied by the Link House and an undeveloped

area adjacent to it. This site is located to the south of Heathfield Avenue with its junction with Hightown and is referred to as "site 2".

The surroundings are predominantly residential although there are some small scale retail and other commercial premises nearby.

DETAILS OF PROPOSAL

In July 2009 the Southern Planning Committee resolved to grant planning permission for the demolition of existing buildings and erection of new buildings and redevelopment of link house to provide 35 apartments and two retail units with associated infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown Crewe, subject to the completion of a planning obligation to secure affordable housing and a commuted sums payment in lieu of open space provision (Application 09/1325N)

Since that resolution was made discussions have been on-going with the applicant and their agents in respect of the number of affordable housing units to be provided:- the number of affordable units to be provided as part of the overall scheme was increased from 12 to 14.

It is now proposed to reduce this down to 11 units. The number of open market units would increase from 21 to 24 but the total number of units would remain the same. In all other respects the development would remain the same as approved by the Committee.

The affordable units originally approved and as increased by a variation of the planning obligation were to be provided in the form of 11 on the southern (Link House) side of Heathfield Avenue, and the remaining units were to be situated at the western end of the three storey block located on the opposite side of Heathfield Avenue.

It is proposed that the affordable units are restricted to those on site 2 and that the development on the opposite side of Heathfield Avenue remains as open market units in its entirety.

The developer has cited a number of reasons for reducing the amount of affordable housing which include deliverability and viability – these are discussed in the affordable housing section of the report.

RELEVANT HISTORY

There was a resolution to approve this application in July 2009:- the application was reconsidered by Southern Planning Committee in May 2010 as the applicant sought to vary the planning obligation in order to increase the amount of affordable housing within the scheme. The planning obligation has yet to be signed and the decision notice has not been issued.

POLICIES

Regional Spatial Strategy

DP 1 (Spatial Principles)
EM18 (Renewable Energy)

L5 (Affordable Housing)
DP2 (Promoting Sustainable Communities)
MCR4 (South Cheshire)

Local Plan Policy

NE.5 (Nature Conservation)
NE.9 (Protected Species)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage Utilities and Resources)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.8 (Existing Car Parks)
TRAN.9 (Car Parking Standards)
TRAN.5 (Provision for Cyclists)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing)
BE.18 (Shop Fronts and Advertisements)
NE.19 (Renewable Energy)
S.8 (Existing District and Local Shopping Centres)

Other Material Considerations

National Planning Policy Framework (The Framework)
SPD Development on Backland and Gardens
Draft Planning Obligations SPD
Interim Planning Statement on Affordable Housing 2011
Interim Planning Policy on the Release of Housing Land 2011
Ministerial Statement – Planning for Growth 2011
Draft Crewe Town Strategy Consultation 2012
Establishment of a New Renewable Energy Policy
Open Spaces Assessment

CONSULTATIONS

Highways: Requires 150% car parking provision, details of retail parking provision and transport assessment

Environmental Health: Requests lighting scheme and noise assessment to be conditioned

Cheshire Fire and Rescue Service: comments:

- access to building regulations standards
- require details of the water main installations
- means of escape in accordance with building regulations
- recommended inclusion of an automatic water suppression system.

United Utilities: No objections.

Cheshire Wildlife Trust: recommends native species are specified for tree and shrub planting throughout the site. Bird nesting boxes could be installed in retained mature trees. This could be conditioned

Natural England: No objections

Environment Agency: No response required

Housing: Would accept reduction to 11 units

OTHER REPRESENTATIONS

Letters of objection from 1, 5, 7, 8, 10, 11, 12, 14, 17, 18,19, 20, 21, 26, 30 Heathfield Avenue 10, 14 Samuel Street Heathfield Gospel Hall, Crewe.

Petition with 108 signatures on it.

The grounds of objection can be summarised:-

- insufficient car parking spaces and access issues and pedestrian safety issues
- design
- protected species
- trees
- pollution and asbestos during construction works
- impact on foundations
- drainage/ flooding issues
- lack of consultation with neighbours
- impact on existing shops
- concern building will not be finished
- social implications
- insufficient bin storage
- private access rights/ security issues
- amenity issues
- ownership issues

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and Bat Species Survey were submitted with the planning application.

OFFICER APPRAISAL

Development Plan Policies and Other Material Considerations

Since the original application was determined by the Southern Planning Committee in 2009 circumstances have changed. Therefore it is necessary to reconsider the application in light of the current Development Plan.

The Government has since confirmed its intention to abolish Regional Strategies following a review of the sustainability implications of doing so. Once the Strategic Environmental Assessment of this has been completed, the North West of England Plan Regional Spatial Strategy to 2021 will no longer comprise part of the Development Plan. Whilst this is imminent, the policies still form part of the Development Plan for the time being.

There has been a number of emerging Local Plan policy documents since 2009 the most relevant of which are the Interim Planning Statement on Affordable Housing and Interim Planning Policy on the Release of Housing Land.

It should also be noted that the National Planning Policy Framework referred to as 'The Framework' replaced all national planning policy guidance notes and planning policy statements and a number of other policy documents including companion guides, circulars and ministerial statements.

Principle of Development

At the heart of The Framework is a presumption in favour of 'sustainable development', which should be seen as a "thread" running through both plan-making and decision-taking. For decision-taking this means:

- i) approving development proposals that accord with the development plan without delay; and
- ii) 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 or specific policies in The Framework indicate development should be restricted.

Retail

Policy S8 within the Local Plan relates to existing local shopping centres is compliant with chapter 2 within The Framework which also provides guidance on the principle of development in town centres.

The Framework indicates that LPAs should require applications for main town centre uses to be located in town centres. The proposals relate to a combination of A1 retail and residential development in a designated local centre. Para 24 of The Framework promotes retail development in existing centres and para 23 encourages residential development within town centres.

Turning to the appropriateness of the proposals in relation to the character of Hightown local centre, the proposals would result in the creation of two small retail units which are of a size and scale appropriate to the size and nature of the local centre - this would improve competition and choice and enhance its vitality and viability.

Given that the site is within the designated local centre where town centre uses are actively encouraged, and is on a scale appropriate to the character and function of the centre the proposals accord with policy S8 within the Local Plan and guidance within The Framework.

Residential

The site lies within the settlement boundary of Crewe - RES.2 states that development on such sites will be permitted and is therefore acceptable in principle.

As the Council cannot demonstrate a five year land supply, this strengthens the case in favour of residential development. In addition, the current Interim Planning Policy on the Release of Housing Land seeks to steer development towards mixed use redevelopment schemes in Crewe in order to support sustainability objectives.

This is a Brownfield site within a sustainable location within a defined local centre, in short walking distance of Crewe town centre, Crewe bus station and Crewe railway station. In addition there is a bus stop on the opposite side of Hightown. The site is also within walking distance of a range of goods and services available within the town centre and is accessible by a range of means of transport. This is therefore one of the most appropriate locations for residential development. In addition the redevelopment of the site for a mixed use scheme would support the objectives of the current Interim Planning Policy on the Release of Housing Land.

Whilst the development would exceed the residential densities suggested by policy RES.3 this policy is out of date and is not consistent with The Framework - Para 214 of The Framework indicates that where policies have not been adopted under the Planning and Compulsory Purchase Act 2004 due weight should be given to policies according to their degree of consistency with The Framework. As this policy is not consistent, limited weight is afforded to it.

Affordable Housing

Wulvern Housing who have an interest in the site, have managed to secure HCA funding for the development of site 2. It has been agreed that Wulvern need to be in a position to start in November 2012 with the 11 units ready for occupation by November 2013.

The viability of the whole scheme is very tightly costed and because of the additional costs associated with developing the isolated affordable unit at site 1 it has not been possible to demonstrate value for money or be able to guarantee delivery within the timeframe agreed with the HCA i.e. Wulvern Housing has not secured funding for this unit and do not want to own the 12th unit as the costs associated with the construction or purchase and the management costs would be higher. As delivery would be dependent on the remainder of site 1 being developed and Wulvern Housing are unaware that the applicant or any other developer has managed to secure funding to develop this, they cannot guarantee that it would be delivered in any event. As any other registered social landlord would run into the same problems, a request is made to reduce the amount of affordable housing rather than simply for Wulvern to only take 11 of the 12 units originally proposed.

The above reasons would not override a policy objection to reduce the amount of affordable housing. However in this instance, reducing the amount of affordable housing to 11 units would accord with relevant planning policies.

Policy RES.7 as modified states that affordable housing targets on windfall sites will be 35%. The scheme as original considered by committee was providing 12 affordable units equating to 35% provision. The scheme as amended would have 11 affordable units which would represent 31% affordable housing.

However this reduction is considered acceptable in the context of existing policies within the Development Plan. The direction to save policies under the Planning and Compulsory

Purchase Act 2004 only applies to those policies adopted within the original version of the Adopted Replacement Local Plan 2011. RES.7 as modified was not part of the original version of the Local Plan and could not be included within the saved policies direction. It therefore carries no weight as a policy consideration.

The Interim Planning Statement on Affordable Housing 2011 states that the affordable housing targets on windfall sites would be 30%. The scheme as amended would result in 11 affordable units which would represent 31% affordable housing. As the Interim Planning Statement on Affordable Housing 2011 represents the most up to date guidance in respect of affordable housing it is a material consideration.

The policy also requires that account is taken of the need to provide social rented and intermediate housing. This scheme is 100% for affordable rent with local people on the current Homechoice waiting list being the likely occupiers.

This is considered acceptable because evidence suggests that intermediate housing is 'out of reach' of many people in housing need living in Crewe due to the rising cost of living, incomes and the recession. The SHMA 2010 indicates that Crewe has the highest preference for social rented and the lowest preference for intermediate housing across the borough which supports the conclusions made in 2009. This has been verified by Housing Officers.

There are 6 two bed and 5 one bed units which provides a mix of different accommodation types which accords with the Housing Needs Survey 2005:- The SHMA 2010 shows that for the sub-area of Crewe, there is a requirement for 256 new affordable units per year, made up of a need for 123 x one bed units, 20x two bed units, 47 x three bed units and 26 x one/two bed older persons units.

The Local Authority would normally encourage a mix of private and social housing i.e. pepper potting rather than in one block as proposed here. Whilst this is not ideal, this was accepted under the previous application because the applicant wished to 'phase' the development with the affordable units being built first given that the RSL had secured funding. The continued downturn in the economy has affected both house prices and the demand for housing and the construction of the housing at site 1 is dependent on an upturn in the economy. Three years on these considerations are still relevant as the economic climate has not changed.

It is considered that the provision of additional affordable units which would contribute towards meeting housing needs within the locality would accord with the spatial objectives for the area.

Public Open Space

Policy RT.3 requires that where development would be likely to be occupied by less than 50 people, contributions would be required towards the provision of children's play equipment and casual recreational open space. This should be reasonably related to the nature of the development proposed, provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development. The emerging SPD – Planning Obligations, reaffirms the requirement for contributions towards recreation and open space facilities.

Both policy RT.3 and the Open Space Assessment indicates that improvements to open space is necessary in Crewe. Major developments would generate demand for such facilities and it is considered that mitigation through either off site provision or a financial contribution towards open space would fairly and reasonably relate in scale and kind to the development.

On site provision is normally preferable to a commuted sum payment. However this cannot be accommodated within the site given the size of the site and the number of units provided. As there are other positive benefits associated with a high density mixed use development, a commuted sums payment would be appropriate.

There are a number of public open spaces within walking distance (2km) of the site, and a commuted sum payment would be used to secure improvements to one of these existing areas. This would be the most appropriate way of improving the quality and provision of open space in an easily accessible location where it would directly benefit the occupiers of the new development.

Such a financial contribution would therefore meet the tests set out in The Framework. Subject to securing a financial contribution, the proposals would accord with policy RT.3 within the Local Plan.

Amenity

The main issue in respect of amenity is overlooking between units – the impact to neighbours would be limited due to a combination of blank walls, facing commercial premises and the location of car parking and amenity space areas.

The proposed buildings on opposite sides of Heathfield Avenue are 13m apart which is below the spacing guidelines within the SPD Development on Backland and Gardens. However this is consistent with the existing terraces along Heathfield Avenue and as these properties co-exist without detriment to the amenities of occupants it is considered unreasonable to impose greater separation distances in this location given the established tight knit pattern of development within the locality.

The proposed buildings would not result in loss of light to neighbours by virtue of the orientation and location of buildings.

The proposals relate to an apartment scheme in an inner urban location where development densities are high. This development is consistent with the character of the area and would not significantly adversely impact upon existing levels of amenity for neighbours.

It is accepted that the private open space within the site for the future residents of the development is limited. Balconies would provide the only private amenity space. However a development of flats would appeal to individuals and couples rather than families. Although the lack of private amenity space is a shortcoming, it would be obvious to anyone considering living there. To some it may be of little, if any, consequence. In all other respects the units would make attractive properties and the lack of private garden would be off-set by other more positive and attractive aspects of the flats.

Protected Species

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

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

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

and provided that there is

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

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

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

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

Para 118 and 119 of the Framework advises LPAs that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered. In addition it indicates if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

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

The protected species survey indicates that there would be no impact upon Bats, or nesting birds however as this was undertaken in 2008 it is now out of date. The applicant has supplied an addendum to this which has indicated that bats are not currently using the buildings as a roosting place and this scenario would be unlikely given the noisy urban nature of the

surroundings which would discourage bat presence. Best practice measures are nevertheless suggested and this would be conditioned accordingly.

As bird nests were present in the buildings it would be necessary to condition that demolition works would only take place outside of the bird breeding season or else the site is checked by an ecologist prior to demolition. In addition, it is also suggested that a condition be imposed to ensure that features suitable for use by breeding birds including swifts and incorporated into the scheme. This is to ensure that nesting birds are not disturbed during construction and that appropriate mitigation is provided.

It is therefore considered that the proposals would accord with policy NE11 and guidance within the Framework.

Design Standards

The area comprises a mix of tight knit Victorian terraces and some run down commercial properties with limited architectural merit. However the Link House at site 2 would constitute an undesignated heritage asset:- it is a Victorian building with architectural features such as bay windows, an articulated porch feature and bargeboard detailing.

The scheme proposed two buildings at the junction of Hightown and Heathfield Avenue forming book ends to the street – as this is a gateway site towards the town centre the scheme provides legibility, a focal point and improves vistas across the townscape.

The scheme would build on existing strengths by incorporating the Link House which is an attractive example of Victorian architecture and in so doing the proposals would preserve local distinctiveness in accordance with para 60 of The Framework.

This is a highly innovative and imaginative design which respects the character of the area, represents a design very much of its time and takes the opportunity to significantly improve the character of the area. This would help to raise the standard of design more generally in the area in accordance with para 63 of The Framework.

Bulk and Massing

The scale, design and detailing for the new buildings on both sites is highly symmetrical to give the appearance of bookends to the street. This creates a sense of entrance into the area and replicates the formulaic symmetry utilized in Victorian architecture which is a prevailing feature of the area.

Given that the south elevation facing Heathfield Avenue is substantially longer than the northern elevation along site 2, the bulk and massing of the building has been reduced by including projecting sections with balconies which give the appearance of bay windows, variation in the eaves heights and variation in render and facing brickwork. This is a modern interpretation of a Victorian terrace.

The proportions and scale of the building also complement Link House due to the contrast in materials and additional gazing provided at the third and fourth floors. The regular arrangement of the balconies also mimics the Victorian bay windows.

Architectural Design

The visual interest within the fenestration of the new build element is reserved to the front elevations. The new build element represents a modern interpretation of Victorian fenestration such as the bay windows and replicating existing features on the Link House. There are some modern features on the building such as the solar panels, the provision of wavy and mono pitched roof forms and the use of stainless steel, glazing and render make for an exciting contrast with the traditional brick and slate buildings within the locality and yet the crunchy and tight knit appearance of the roof respects the compact nature of the surroundings.

Turning to the elevation facing Hightown, it is from these views that the significance of the symmetry and modernity is fully felt. The scheme provides two identical book ends to the junction between Heathfield Avenue and Hightown which sits comfortably with the existing eclectic mix of commercial and residential properties. The recessed entrance which comprises predominantly glazing promotes legibility and the modest shop fronts which are of a similar size and scale to those in the locality ensure that the building remains human in scale.

Spaces

The rear elevations contain communal walkways and stairwells, however as public access to the site is prevented through the provision of secure entrance points, this would remediate some of the social problems associated with such a design. The low boundary wall provided to the gardens also seeks to distinguish between public and private spaces.

In terms of layout, the buildings frame the public realm and the car parking areas are deliberately kept to the rear of the site and facing the existing properties along Heathfield Avenue – the car park would therefore take advantage of the existing landscaping on the site and benefit from natural surveillance.

Highway Safety

The proposals provide 27 parking spaces which is 77% provision. As no spaces would be provided for the affordable units, the 27 spaces will be for the 24 units which would be over 100% provision.

The Highways engineer commented that as on street parking was saturated, 150% parking would be required or a financial contribution towards transport improvements.

In 2009, it was not considered appropriate to require a financial contribution.

Since this time, The Framework has been published which replaces circular 05/05 and CIL has been introduced. Cheshire East has not adopted a CIL charging schedule and until that time, the system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for.

The Framework states at para 203 that

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Para 204 sets out the three tests that planning obligations should satisfy:-

‘necessary to make the development acceptable in planning terms;
directly related to the development; and
fairly and reasonably related in scale and kind to the development.’

It then goes on to state at para 205 that local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

In this regard, it is noted that an obligation was not sought in 2009. This was because improvements to the bus stops nearby were nearing completion and there was not an alternative highway improvement scheme which would have directly benefited the development where any monies could have been spent.

Since, this time and as noted above, planning obligations have been scaled back. There is no policy within the Development Plan or an adopted SPD/ SPG which indicates that a contribution would be required and the car parking standards within the Development Plan pre-date The Framework.

The Framework indicates that local parking standards should take account of accessibility, type, mix and use of development, public transport, car ownership and reducing emissions. On that basis there is justification for reduced car parking. This is a mixed use development in a highly sustainable location in close proximity to Crewe town centre with good access to the bus network and is walking distance from the train station. Whilst such levels of car parking would certainly not be appropriate in all locations, as there is the opportunity for occupants to travel by alternative means and given the type and level of accommodation proposed, reduced car parking levels are appropriate in this instance. The Highways engineer requested addition cycle parking which can be secured via condition which would also encourage alternative modes of transport.

It is not considered necessary to provide designated parking for the retail units given that the site lies in close proximity to a public car park which could also be used by future occupants and there are on street parking restrictions within the area which would discourage users from parking on the road.

In addition the access point and visibility splays accord with guidance in Manual for Streets and the access point is wide enough to enable a bin wagon/ servicing and deliveries to enter the site.

Given that a financial contribution was not required in 2009 and given that The Framework does suggest an element of flexibility in deriving car parking levels, it is not considered that the proposed levels of car parking would make this development unacceptable. On that basis a financial contribution would not accord with the tests set out in para 204 of The Framework.

Renewable Energy

Policy EM18 of Regional Spatial Strategy requires that 10% of the developments energy needs are met by renewable energy sources. Six solar panels are provided on the southern elevation at site 2 and 20 at site 1. Whilst there are no calculations to demonstrate that this will provide for the energy needs of the development a condition would be imposed to ensure that either the proposed renewable energy measures would meet 10% of the developments energy need or that any deficit would be offset through a fabric first approach.

The affordable units would be built to Level 3 of the Code for Sustainable Homes which is above the minimum requirements for Building Regulations.

Community Infrastructure Levy (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 commuted sum in lieu of children's play space and casual recreation space is necessary, fair and reasonable, as the proposed development will provide 35 residential units of different sizes, the occupiers of which will use local facilities as there is no open space being provided as part of the scheme, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with relevant policies within the Local Plan and the relevant tests within para 204 of The Framework.

RECOMMENDATION: Approve subject to a Section 106 Agreement

HEADS OF TERMS

- Provision of commuted sum in lieu of on site provision of children's play equipment and casual recreational open space -£17,500.
- Provision of 11 affordable housing units
Including a cascade for the occupation of the dwellings -
 - 1 Crewe
 - 2 Cheshire East .

and the following conditions

1. A03FP - Commencement of development (3 years)
2. A03AP - Development in accord with approved plans (numbered)
3. A02EX – Details of Proposed Materials
4. No demolition during bird breeding season or site checked by Ecologist
5. 10/% renewable energy provision
6. Access and car parking to be provided
7. Cycle rack details and to be provided

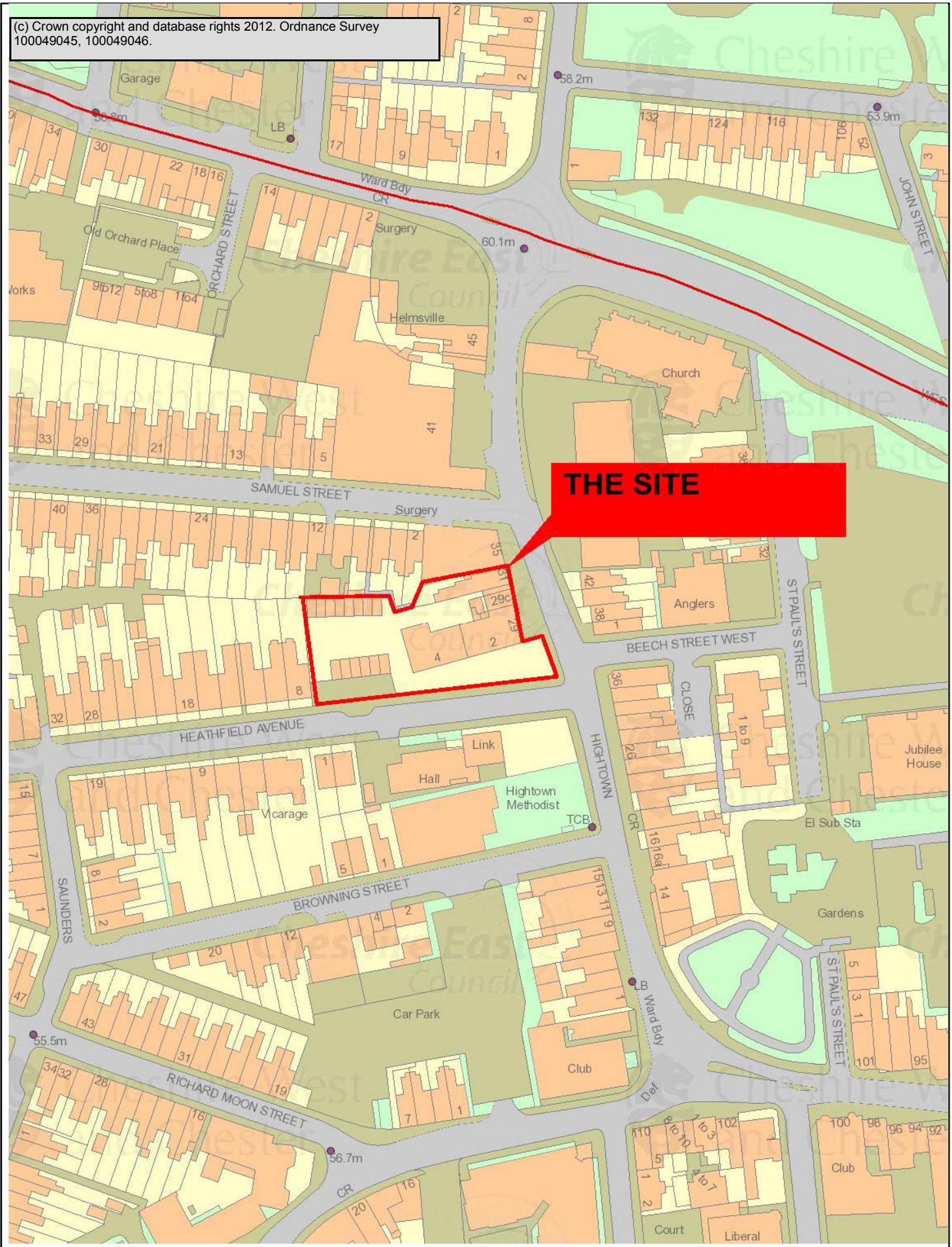
8. Solar panels to be provided and maintained and method statement
9. Landscaping
10. Landscaping implementation
11. Boundary treatment
12. Waste management plan
13. Sustainable urban drainage measures
14. Noise attenuation
15. Lighting scheme
16. Finished floor levels
17. Details of features for birds

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3164C

Location: Land South of PORTLAND DRIVE, SCHOLAR GREEN CHESHIRE

Proposal: Plot Substitution of Plots 14-40 and Elevational Variations to Plots 7-13 and 41-52 of Previously Approved Application 08/0712/FUL

Applicant: Ben Bailey Homes

Expiry Date: 14-Nov-2012

SUMMARY RECOMMENDATION

Approve with conditions and subject to S106

MAIN ISSUES

- Design - Character and Appearance
- Residential Amenity
- Other Issues Raised by Representation
- S106

1. REASON FOR REFERRAL

This application is for consideration of amendments to a major application and has therefore been referred to the Southern Planning Committee for determination.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to Plots 7-13, 14-40 and 41-52 of the approved development on the south side of Portland Drive, Scholar Green. This consists of a new health care centre & residential development comprising 39 no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations. The site is designated as being within the settlement zone line of Scholar Green.

3. DETAILS OF PROPOSAL

This application proposes to substitute the dwellings on plots 14-40 and also proposes amendments to the elevations of plots 7-13 and 41-52. These are the dwellings that are positioned to the rear of the proposed row of terraced properties fronting Portland Drive, where members recently considered an application to vary the elevations (planning ref; 12/2869C).

4. RELEVANT HISTORY

- 08/0712/FUL – Demolition of dwelling & erection of new health care centre & residential development comprising 39no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations to Portland Drive, including parking bay & dedicated residents' car park (resubmission of 06/1146/FUL) - Amended Plans – Approved 07.10.2011
- 06/1146/FUL - Demolition of dwelling and erection of new Health Care Centre and enabling residential development comprising 39 No. open market units and 17 No. affordable units with associated means of access, landscaping and alterations to Portland Drive, including parking bay and dedicated residents' car park. Amended Plans - re-plan of south end of site; additional financial and legal info; tree survey; habitat survey. – Withdrawn - 17.04.2011
- 11/2999C - Variation of Conditions 2,3,5,10 & 11 of Planning Permission 08/0712/FUL – Approved 30-Apr-2012
- 12/2869C - Variations to Elevations of Dwelling Plots 1-6, 53-56 of Previously Approved Application 08/0712/FUL – Resolved to approve at Southern Planning Committee on 31-Oct-2012

5. POLICIES

Local Plan Policy

PS5	Villages in the Open Countryside and Inset in the Green Belt
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Other Material Considerations

National Planning Policy Framework

6. CONSULTATIONS (External to Planning)

Canal and River Trust:

No objection

Public Rights of Way:

No objection – informative recommended

Environment Agency:

No further comments to those made on the original application ref; 08/0712/FUL

7. VIEWS OF THE ODD ROAD PARISH COUNCIL

Requested more information on the proposed differential of the projected height of plots 7-13 and 41-52

8. OTHER REPRESENTATIONS

Representations have been received from 7 neighbouring properties objecting to this application on the following grounds:

- Loss of privacy (roofline and character)
- Precedent has been set in the area where other proposals have been required to alter the rooflines of dwellings
- Why have the plans been changed – have adverse ground conditions been found?
- Contrast in design of the properties as viewed from A34
- Design of plots 33,34 & 35 – highest roof ridges on the site will appear intrusive, overbearing and will result in loss of light
- Loss of light / shading of neighbouring garden
- Loss of privacy
- Proposed garage should be flat roofed or the roof type amended
- Potential flooding of gardens at 178,176 & 172 Congleton Road
- Plot 32 has an upper side window – this should be obscured
- Loss of views of Mow Cop
- Decrease in property values
- Scholar Green is a village not a town – the town house will look out of place

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Amended Plans

10. OFFICER APPRAISAL

The principle of the development has already been accepted. This application seeks permission to substitute the dwellings on plots 14-40 and also proposes amendments to the elevations of plots 7-13 and 41-52. The key issues for Members to consider are the impact of the changes on the design of the scheme, the character and appearance of the area and neighbouring residential amenity. The numbers of units, access arrangements and general positioning of the plots would be similar and therefore there are no highways or parking issues.

Design, Character and Appearance

Substitution of Plots 14-40

Plots 14-40 are those that would make up the rear portion of the site and would comprise of detached two-storey dwellings with the exception of a pair of semi detached units at plots 31 and 32.

Plots 14-22 would front the main spinal road leading through the site and would occupy a position along the eastern side of the site where there are fields situated beyond. The general positioning and layout of these units would remain the same as previously approved, although the front building line would be staggered slightly owing to the proposed mix of house types. Nonetheless, the proposed substitutions would provide a better variation in the street that would add interest and would improve the character and the quality of the development.

Plots 23-25 would be situated at the end of the main spinal road making up the most southerly part of the site. These units would be sited in the same position as previously approved and would be in the developer's 'Country Style', which would respect the southern extremities of the site where it is bounded on 2 sides by adjacent fields. The design would be appropriate having regard to its context. The size and scale would be commensurate with the units previously approved.

Plots 26-40 would make up the central portion of the site and would be predominantly arranged around a cul-de-sac situated at right angles to the main spinal road serving the site. Plots 26-30 and 36-40 would occupy the central core of the site and would comprise bespoke two-storey dwellings with attractive architectural detail and slight variations in the form and palette of materials to help add visual interest in the street scene. There would be a variation in the roof heights and the pitches of the roof would be steeper than those previously approved. However, owing to their position within the centre of the site, these units would not appear overbearing or intrusive.

With respect to plots 31-35, these would be positioned at the head of the cul-de-sac and would back onto the rear gardens of existing residential properties forming no.s 160-174 Congleton Road North. Some of these neighbours have expressed concern regarding the design of these units and the proposed roof and ridge heights. The roofs would have a steeper pitch than those units previously approved. The differences would be as follows:

- Plots 33 and 34 – 200mm
- Plot 35 – 1100mm
- Plot 32 – 1500mm

These differences would not be significantly higher than and the roof forms of those units backing onto the boundary of the site and plots 33 and 35 would have half hips so the massing along the

street would be broken up. Glimpses of these dwellings would be possible from Congleton Road North, however, owing to the distance and the fact that the roofs will be sloping away, it is not considered that they would appear overly dominant or intrusive.

Plots no.s 31 and 32 have been joined up to create a pair of semi-detached properties. These would be at the end of the row and as per the previous approval would be sited end-on (at right angles) to the rear gardens of 162, 164 and 166 Congleton Road North. Whilst the end unit (plot 32) would not come any closer to these neighbouring boundaries, the unit would be gable ended were as it was previously hipped. Consequently, to ensure that this unit has no greater impact than the consented scheme, amended plans have been secured hipping the roof away from neighbouring boundaries so as to reduce its dominance and so it does not appear overbearing.

Elevational Variations to Plots 7-13 and 41-52

The proposed changes to plots 7-13 and 41-52 would bring them in line with those changes that were recently permitted by Members when they considered changes to the terraced properties fronting Portland Drive. These changes would improve the quality and design of the scheme compared to the original consented scheme and therefore the impact on the character and appearance of the area would be acceptable. The ridge heights would not deviate significantly from those already approved

In overall design terms, the scale and size would commensurate with the consented scheme and would not materially harm the character or appearance of the area is therefore in accordance with local plan policies GR1 and GR2.

Residential Amenity

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings to prevent direct overlooking and to minimise loss of light and visual intrusion. Between principal elevations, a distance of 21.3 metres is recommended. This distance is reduced to 13.8 metres where side flanking elevations (i.e. those containing non-primary windows) face onto main principal elevations.

There are a number of first floor side facing windows within the proposed dwellings. To prevent overlooking of neighbouring windows and gardens, it is recommended that the first floor side facing windows be obscured and permitted development rights for any future windows / openings removed. Subject to such conditions, the proposals would not give rise to direct overlooking.

As discussed earlier, amended plans have been received returning the proposed gable ended roof at plot 32 (end unit siding on to western boundary of the site) to a hipped roof. This would help to minimise the impact on the nearest neighbours, no.s 162, 164 and 166 Congleton Road North and will prevent any significant overshadowing and / or loss of light. The separation between the sidewall of plot 32 and the nearest two-storey part of the neighbour would be 19 metres which exceeds the 13.8 metre recommendation.

Turning to the other plots along the western boundary of the site, plots 32-35, at their closest these would be sited 24 metres distance away from the nearest properties fronting Congleton Road North. Whilst the land slopes upwards to the east, the rise is gradual and as such these proposed plots would not appear overbearing.

With respect to the proposed detached garage at plot 31 and 32 (i.e. to the rear of no.s 166 and 168 Congleton Road North), this would remain single storey with the roof sloping away from the boundary and consequently would not unduly harm neighbouring residential amenity. As such, the scheme as amended, would not lead to increased overlooking, visual intrusion or loss of light. Consequently, the proposals are deemed to be in accordance with local plan policies GR6 and SPG2.

Other Issues Raised by Representation

With respect to concerns expressed about potential flooding and drainage, the proposed changes would have no greater impact than the consented scheme. The Environment Agency has confirmed that they have no objection to the proposals.

In terms of loss of views of Mow Cop and the impact on neighbouring property values, these are not material planning considerations.

S106

A revised S106 legal agreement will be required to link this scheme with the original S106 to ensure that the original contributions and provisions are secured.

11. CONCLUSIONS

This principle of the development has already been established. This application proposes to substitute house types and vary elevations forms. There are no highways or parking issues to consider. The proposed amendments and plot substitutions would improve the design and quality of the scheme and would not materially harm the character or appearance of the area. Following the receipt of amended plans, subject to conditions, neighbouring residential amenity would be respected. The proposals are therefore deemed to be acceptable and compliant with the relevant local plan policies and guidance contained within the National Planning Policy Framework.

12. RECOMMENDATIONS

APPROVE with conditions

1. Standard time limit
2. Development in accordance with the approved and amended plans
3. Submission and approval of external materials and finishes
4. Submission of details of landscaping to include details of boundary treatments
5. Submission of arboricultural statement for retained trees
6. Details of drainage
7. Hours of piling restricted
8. Hours of construction restricted
9. Gas monitoring
10. Protected species
11. No works within bird breeding season without survey
12. Submission of details of levels
13. Obscured glazing

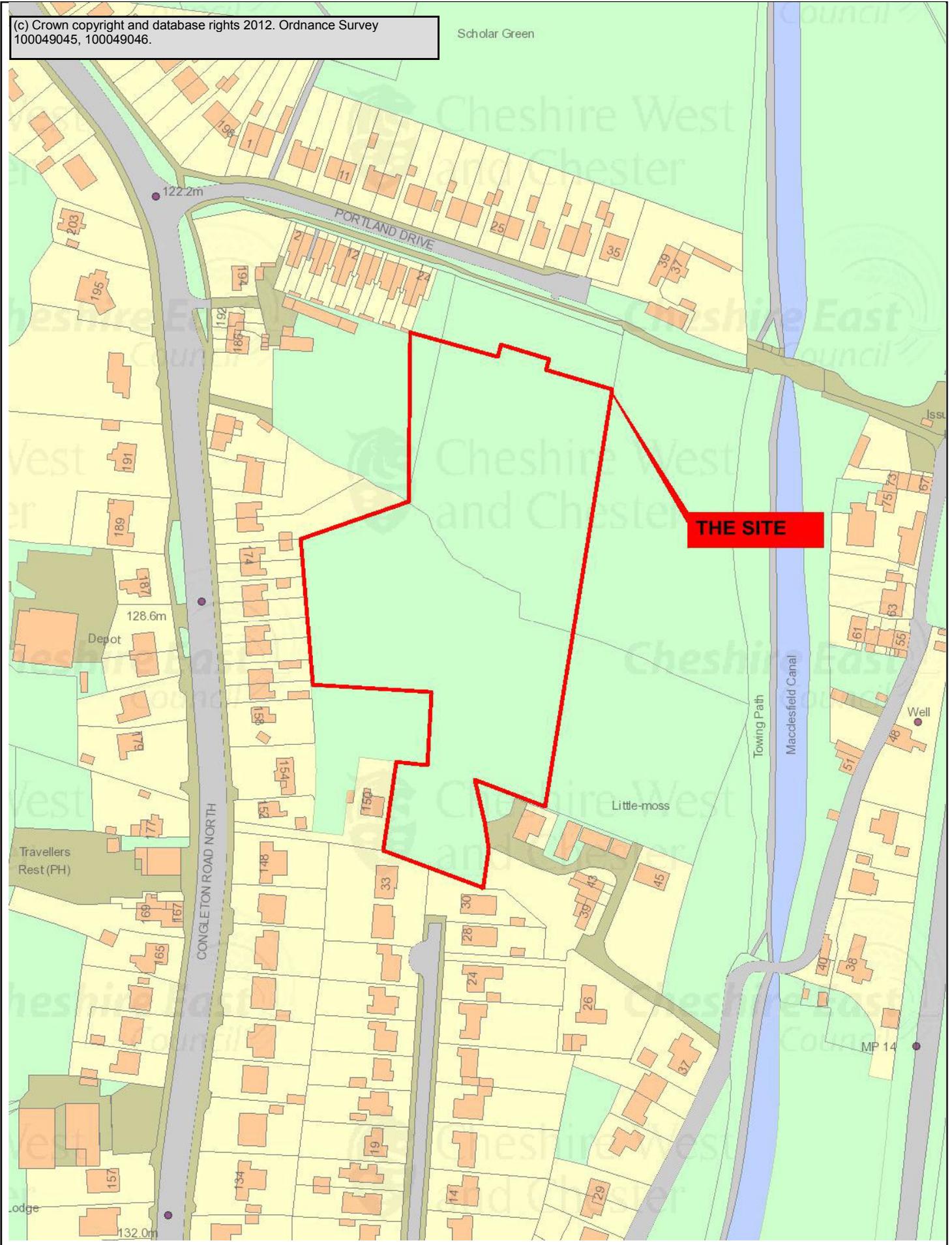
14. Removal of permitted development rights for openings

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3294N

Location: Wardle Bridge Farm, NANTWICH ROAD, WARDLE, CW5 6BE

Proposal: Development of New Agricultural Machinery Dealership Comprising of Showroom, Workshop, Parts Counter, Ancillary Retail Sales and Office Building; External New and Used Vehicle Display Areas; Car Parking and Associated Landscaping, Following Demolition of Existing Buildings and Structures on Site.

Applicant: Agricultural Machinery (Nantwich) Ltd

Expiry Date: 31-Dec-2012

SUMMARY RECOMMENDATION:

- **Approve subject to conditions**

MAIN ISSUES

- **Principle of the conversion,**
- **The impact on the character and appearance of the buildings,**
- **Residential amenity**
- **Highway safety.**

1. REFERRAL

The application has been referred to southern planning committee because it is a major development, by virtue of the floor area.

2. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to a former farmstead of approximately 1.274ha in area, comprising a number of modern buildings for agricultural use, concrete storage clamps and general hardstandings. The site is bounded to the north by the railway line, to the east and south by Wardle Bridge Farm and to the west by Calverley Hall Lane. The site currently enjoys a single access from Calverley Hall Lane located towards the south west corner of the site.

Planning permission is sought for the erection of a building for use as an agricultural machinery sales and repair depot comprising showroom, repair

workshop, offices, and visitor and staff parking, sales parking and marshalling yard, wash down area and landscaping. The footprint of the new building is 917 square metres with the first floor being a total of 515 square metres. The height from the ground to the ridge of the building is 8m with an eaves height of 6.6m.

3. PREVIOUS RELEVANT DECISIONS

There is no relevant planning history relating to this site.

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

NE.2 (Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

TRAN.9 (Car Parking Standards)

5. OBSERVATIONS OF CONSULTEES

The Canal and River Trust

- No comments to make.

United Utilities

- No objection to the proposed development

Environmental Health

- The hours of noise generative* demolition / construction works taking place during 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
- **"Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by

light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

- Due to the potential of noise nuisance to nearby residents, all repair and servicing of vehicles should be undertaken within the proposed workshop with the doors closed.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application area has a history of agricultural use and therefore the land may be contaminated.
 - As such, and in accordance with the NPPF, this section recommends that the following conditions, be attached should planning permission be granted:
 - Should there be any fuel tanks present on site, if they are to be removed as part of the redevelopment any localised contamination should be remediated and the fuel tank disposed of appropriately.
 - Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and this section be contacted for advice.
 - 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.

Highways

- It is proposed to relocate the existing business from a site in Millstone Lane and Beambridge, Nantwich to a site at Calveley Hall Lane, Wardle. The access to the site is taken from Calveley Hall lane that has a priority junction with the A51 Nantwich Road.
- The applicant has submitted a Transport Statement to support the application that has surveyed the existing traffic generation from the existing sites and then estimated the level of traffic generation to the new proposed site. The traffic levels indicated are relatively low with the highest number of trips being 20 two way in any hour.

- The car parking provision within the site is 30 spaces with 4 disabled spaces.
- The current use of the site is a dairy farm business and this use would have produced a small amount of trips on the road network. As the relocation of the business will not result in a net material increase in traffic over the existing traffic generation, it is considered that Calveley Hall Lane and more importantly the junction with A51 can accommodate the development traffic.
- The visibility available at the junction at the A51 is good and the as the site is a relatively short distance along Calveley Hall lane there are no issues regarding the width of access to the site.
- Although a Travel Plan has been mentioned this site will be a car based development in this location and there is no requirement for a condition for Travel Plan to be provided.
- In summary, the proposed site does not raise any traffic generation issues and the road network can accommodate the development, no highway objections are raised.

6. VIEWS OF THE PARISH / TOWN COUNCIL:

With reference to the planning application 12/3294N, the biggest concern of Calveley Parish Council relating to this is amount of traffic on the roads coming off the A51 into Calveley, and in particular the road past the school.

The Parish Council consider that a weight limit on the railway bridge on Calveley Hall Lane would help to lessen the amount of traffic, particularly heavy traffic, that would use these roads. Also a "no traffic" sign should be installed on the road past the school to prevent this road becoming a danger to the children using the school.

7. OTHER REPRESENTATIONS:

No other letters of representation have been received.

8. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Planning Statement

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the acceptability, in principle of the development, as well as the amenity, ecology, landscape, design and highways, implications.

Principle of Development

The site is located within the Open Countryside where Policy E6 of the local plan states employment development will be restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop units within or adjacent to existing farm buildings or other existing employment areas, (in accordance with policies BE.1 - BE.5).

It is considered that the business is “appropriate” to a rural area and the site is “within or adjacent to existing farm buildings”. However, given that the floorspace is over 1000sq.m, it could be argued that it is not “small scale”. Notwithstanding this point, there are, in this case, a number of material considerations which must also be taken into account.

Two existing buildings, of similar footprint are to be removed. Therefore there will be little increase in the bulk of built development on the site. The site is situated in a depression, is screened on one side by a bridge embankment and by existing farm buildings on the other. It will be viewed against the backdrop of the existing buildings, and there are ample opportunities for additional screen planting to the site perimeter. The site is mostly covered by existing hardstanding, and is beginning to look somewhat depilated. Therefore some visual improvement would result. The building itself would be a portal framed structure clad in green sheet material which would blend in with its surroundings and would be similar in appearance to a farm building.

There is also a precedent for the development of such facilities within open countryside areas, including the RVW Pugh operation near Holmes Chapel which was granted planning permission in 2008 and subsequently extended in 2010.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *“Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy,

as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it 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.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities 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; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations.*

They should ensure that they give appropriate weight to the need to support economic recovery.”

According to the applicant's submissions:

“Agricultural Machinery (Nantwich) Ltd (“AgMac”) was originally formed in 1951 by the Hughes family and has operated from Nantwich to the present time. AgMac joined Cornthwaite Agricultural in March 2009 and became the main John Deere dealer for Cheshire; John Deere is a leading manufacturer of farm equipment and offers a vast range of tractors, farming equipment and grounds maintenance equipment. AgMac sells new John Deere machinery and equipment from balers and sprayers to tractors, combines and self propelled forage harvesters as well as offering servicing and parts. The business also sells used agricultural machinery and exports machinery across the world.

The business is currently located at two sites; Millstone Lane and Beambridge in Nantwich. Millstone Lane is the principal site and is used for agricultural machinery sales, stores, maintenance and servicing of agricultural machinery and management whilst Beambridge is used solely for storage and preparation of agricultural machinery. Over the past few years it has become increasingly apparent that the existing sites are no longer suited to a modern agricultural machinery dealership; the sites are an inadequate size to accommodate the servicing and sales areas required, the car parking is unsuitable, the main site has no display areas and poor access for commercial vehicles.

The Planning Statement goes on to say the fact that being located on two sites:

“makes the business inefficient as machinery is manoeuvred between the Millstone site and the Beambridge storage site taking up valuable staff hours. At Millstone, the servicing area itself is inadequate for modern day agricultural machinery and there is no area to display new and used machinery. Customer and employee car parking is inadequate, with no access for HGVs or large commercial vehicles and the access roads of Beam St and Millstone Lane are unsuited to HGV and commercial traffic. The use of two sites creates management and access issues as well as additional vehicle trips.”

The Statement also explains that:

Moreover there is little benefit to the business or its customers for the dealership to be located within the urban area and in particular the town centre of Nantwich. Indeed its location within the town centre, given the total lack of space to expand and the problems associated with moving large machinery within a town centre have generated the

real need to relocate the business. This need to relocate has become increasingly acute as the lease on the current premises is due to expire within the next 12 months and unless an alternative site can be found and new facilities created, the business will need to consider temporary relocation, which will be costly and potentially harmful to the future success of the business.

The applicant goes on to explain the benefits to the business of relocation and how this ties in with future expansion plans:

Over the past few years, AgMac have been actively seeking an alternative site (or premises) to which they can relocate the business to ensure that they remain competitive and are able to offer the full range of services expected of one of the premier John Deere dealerships within the UK. For the business the preference has always been to secure a site which can be developed from the ground up to provide a bespoke agricultural machinery dealership. That said various sites and existing buildings have been considered and for one reason or another have not come to fruition. The current proposal at Wardle Bridge Farm therefore represents the culmination of several year's work on the part of the Directors of the business and is considered to be an ideal opportunity in a most appropriate location for the continued future of the business. Wardle is located within the hinterland of Nantwich and to the north west of the town in the optimum location for the major client base of the business. Moreover Wardle Bridge Farm provides a large redundant former farm with extensive buildings and associated development, which can be partially redeveloped in a manner which can bring about considerable regeneration benefits as well as associated landscape and visual benefits and involving a use which is very closely allied with the agricultural community.....

The Agricultural Machinery business is looking to expand by 10%-15% over the next 5 to 7 years.Relocating to a purpose built site will allow the business to address the limits of its previous sites and expand within its existing employee levels with a potential to expand its employment base in the future. The relocation will support the sustainable growth of this agricultural machinery business. The proposed development makes use of a vacant, previously developed site which will create fewer traffic movements than the original use as a dairy farm. The business is currently located within the urban area of Nantwich therefore the business' relocation to the site at Wardle Bridge Farm will allow the business to :-

- (a) be closer to much of its rural client base;*
- (b) benefit from proximity to the A51 which is more suited to access for agricultural vehicles than town centre roads;*
- (c) offer the opportunity to expand in the future within the site without harm to adjacent land uses.*

With regard to the question of sustainability, it is considered that the site is sustainably located close to the client base and other facilities used by the agricultural community such as the North West Farmers feed merchant, the equestrian hospital and the countryside store, so there are opportunities for linked trips. Furthermore, the applicant has identified the following additional sustainability benefits:

- *Agricultural vehicles visit the current sites of Millstone and Beambridge within Nantwich town centre for servicing and repairs. Town centre roads are inappropriate for the use by agricultural machinery, which results in congestion and pollution within the more heavily populated parts of the town;*
- *The use of the two separate sites of Millstone and Beambridge makes the business less efficient by using up employee time transferring vehicles between the sites, increasing traffic movements considerably and increasing pollution and congestion within the town centre;*
- *Access to the current sites cannot support large commercial vehicles or HGVs, resulting in harm to amenity resulting from problems associated with HGV deliveries and increased town centre pollution;*
- *The proposed development will involve the construction of a new, purpose-built, multipurpose dealership building which will be considerably more energy efficient than the two existing buildings which the business current occupies. As a result the carbon footprint and energy demands of the business will be reduced considerably following the relocation. Moreover every effort will be made by the business to reduce further their energy demand and to achieve as high a BREEAM rating as is possible consistent with the nature and type of business involved.*

It is also necessary to give some consideration to the potential retail impact of the business. The business in question does sell a number of other items as well as agricultural machinery such as tools, outdoor clothing etc. However, there is a precedent in the form of the nearby “countryside” store for this type of retailing in the vicinity.

Policy S.10 of the Crewe and Nantwich Replacement Local Plan states that outside the town centres of Crewe And Nantwich major retail developments will be permitted only if a number of criteria are met. The plan states that major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq.m. The total proposed floor area of this development, including the workshops, offices and showroom equates to only 1432sq.m. Therefore the part of the building used for general retailing will be considerably below this threshold.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

The applicant has argued that:

The business is effectively a specialist retail use, but one selling a type of vehicles, machinery, equipment and associated items which cannot be found on a typical high street. Customers visiting the dealership are doing so because they have a specific need to visit and not for 'window shopping' or browsing. Typically the process of selling John Deere and associated agricultural machinery will involve a combination of sales representatives visiting the client's premises / farm and visits by the client / farmer to the dealership.

An agricultural machinery dealership would, for the reasons highlighted previously, be wholly unsuited to a town centre location and hence the development of such a use within a rural location will generate no retail impact nor have any adverse impact on the retail function of the town centres in the Borough."

Whilst it is acknowledged that the agricultural machinery sales do not lend themselves to the town centre, the elements of general retail sales, such as clothing, are a town centre use. However, as the applicant has pointed out:

"In the case of retail sales of other ancillary items, not directly related to the machinery, such as protective clothing, tools, equipment are other John Deere branded goods, these aspects of the business are extremely limited and generate a very modest income to the business relative to its core activities. Such sales are however required to ensure that the dealer franchise can be maintained. In planning terms the sale of such goods would be entirely incidental to the primary use of the site as an agricultural machinery dealership."

On the basis of the floor area, and the ancillary nature of the general retail sales, it is considered that the retail element of the proposal is not in conflict with the local plan. Furthermore, the NPPF states that "*this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development*" and local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

It is therefore agreed that the proposal would not conflict with relevant national and local policy which seeks to protect town centres from loss of vitality, due to the specialist nature of the use not being suited to a town centre location. Nevertheless, an appropriately worded condition should be imposed to ensure that retail sales of small items remained ancillary to the main machinery dealership and that the range of goods sold is appropriately restricted.

In the light of the points mentioned above, despite the scale of the proposal, it would be difficult to argue that there would be any harm in sustainability terms resulting from the proposals. Furthermore, the lack of harm, the thrust of government policy at the present time and the economic growth agenda, are important material considerations to off-set the "small scale" policy issue referred to above and that consequently, this is a proposal that the Council should be supporting.

Amenity

The nearest neighbouring residential property, is the farmhouse at the adjacent Wardle Bridge Farm. This dwelling is located, over 100m from the site of the proposed building and associated parking / servicing areas and is screened by the existing large farm buildings. The only other nearby dwellings are Wardle Bridge Cottages and Bumble Bee Bank Cottages, which are located approximately 160m and 150m away from the site respectively, on the opposite side of the railway line to the north. In view of the distances involved, it is not considered that any adverse impacts on amenity would occur as a result of loss of light or privacy or the operation of the business. However, Environmental Health Officers have recommended that conditions be attached relating to external lighting and construction hours, which are considered to be reasonably necessary.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales The Conservation of Habitats and Species Regulations 2010. ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred

to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

The Council's ecologist has examined the application and commented that with the possible exception of breeding birds, he does not anticipate there being any significant ecological constraints on the proposed development. The site does however have potential to support breeding birds including the more widespread Biodiversity Action Plan species therefore if planning consent is granted he recommends that conditions are attached requiring a detailed survey to be undertaken to check for breeding birds prior to any works being undertaken between 1st March and 31st August. In addition the applicant should submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow.

Trees and Landscape

The Council's Landscape Officer has examined the proposal and commented that the site is located in open countryside and is part of a farm complex. It adjoins Calveley Hall Lane to the west, a railway to the north and farm buildings to the south and east. The site is generally level with an embankment adjoining Calveley Hall Lane. It is currently occupied by steel framed buildings, silage clamps and areas of hard standing. The embankment is vegetated with a mixture of rough grass and scrub and there is a hedge along part of the road boundary. The development would be viewed in the context of an agricultural complex and consequently no significant landscape impacts are raised. There are no existing trees and hedges within the site that would be adversely affected. Therefore, subject to landscape and boundary treatment conditions, there are no significant landscape concerns regarding the proposals.

Design

With regard to site layout, the proposal would utilise the existing access point at the south west corner of the site. The building would be located centrally, with the principal elevation facing south west behind a forecourt providing parking and some external machinery display. A service yard and external store, as well as a belt of proposed landscaping would be provided to the north east,

between the rear of the building and the railway line which runs along the site boundary. This is considered to be an acceptable and logical arrangement.

In terms of elevational design, the proposed building is a simple, rectilinear, portal framed structure, with a shallow pitched roof, finished in green steel cladding. Large roller shutter doors would be provided in the side and rear elevations to enable machinery to access the workshops and showrooms inside the building. Consequently, the overall appearance of the building will be similar to the modern agricultural buildings within the existing farm site and elsewhere within the open countryside. The colour of the materials is such that it will not appear prominent and will blend into the surrounding rural landscape.

The building does include a substantial glazed element to the front elevation which wraps around the corner of the building, which provides light and an open aspect to the showroom and first floor offices. This is considered to be acceptable as it will face towards the existing farm building complex to the south and will not therefore appear incongruous when viewed from the open countryside to the north and west. It will also address the site entrance, enhance the legibility of the building, provide daylight for sustainability purposes and add architectural interest.

Highways

The applicant has submitted a Transport Statement in support of the application. Through this Transport Statement, it is clearly identified that the proposed development would generate very minor additional levels of traffic, which can be readily accommodated within the existing layout of Calveley Hall Lane and its junction with the A51. Also, that, movements of articulated and rigid low loaders, of the minimal identified generated level by the development, can also be accommodated within the existing junction layout on a similar basis to the existing/previous movement of similar vehicle types. Therefore the Transport Statement does not identify or recommend any amendments to the existing layout of Calveley Hall Lane, or the A51 at their junction.

The Strategic Highways Manager has examined this report and commented raised no objection subject to conditions requiring a Travel Plan to be submitted, approved and implemented. Conditions requiring the access and parking arrangements shown on the approved drawings to be constructed prior to the first use of the site are also considered to be appropriate. It is therefore concluded that there is no conflict with Policy BE3 (Access and Parking)

10. CONCLUSIONS

In summary, the site is located within the Open Countryside where Policy E6 of the local plan states employment development will be restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop

units within or adjacent to existing farm buildings or other existing employment areas, (in accordance with policies BE.1 - BE.5).

It is considered that the business is “appropriate” to a rural area and the site is “within or adjacent to existing farm buildings”. However, given that the floorspace is over 1000sq.m, it could be argued that it is not “small scale”. Notwithstanding this point, there are, in this case, a number of material considerations which must also be taken into account.

Two existing buildings, of similar footprint are to be removed and the site is well screened from the surrounding open countryside. There is also a precedent for the development of such facilities within open countryside areas and recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles. The applicant has demonstrated why the existing two business premises in Nantwich are unsuitable and how the proposed site would benefit the business and allow it to expand. The site is sustainably located close to the client base and other facilities used by the agricultural community such as the North West Farmers feed merchant, the equestrian hospital and the countryside store, so there are opportunities for linked trips.

It is also necessary to give some consideration to the potential retail impact of the business. The business in question does sell a number of other items as well as agricultural machinery such as tools, outdoor clothing etc. However, there is a precedent in the form of the nearby “countryside” store for this type of retailing in the vicinity. Furthermore, it is considered that the agricultural machinery sales do not constitute a town centre use, and the general retail sales account for only a small percentage of the overall floor space of the building, which is itself below the threshold for a retail impact assessment under both Local Plan policy and the NPPF. Furthermore, the NPPF states that *“this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development”*.

Therefore subject to an appropriately worded condition should be imposed to ensure that retail sales of small items remained ancillary to the main machinery dealership and that the range of goods sold is appropriately restricted, it is considered that the proposal would not have any adverse effect on the vitality and viability of nearby town centres.

In the light of the points mentioned above, despite the scale of the proposal, it is considered that the lack of harm in sustainability terms, the thrust of government policy at the present time and the economic growth agenda, are important material considerations to off-set the “small scale” policy issue referred to above and that consequently, this is a proposal that the Council should be supporting.

In view of the distance to neighbouring properties, subject to appropriate conditions, no amenity issues are raised. There are no anticipated ecology, landscape or highways issues. The building itself would be a portal framed structure clad in green sheet material which would blend in with its surroundings and would be similar in appearance to a farm building.

Therefore having regard to the provisions of the adopted Local Plan policies, the National Planning Policy Framework and other material considerations, the proposal is considered to be acceptable and is recommended for approval subject to appropriate conditions.

11. RECOMMENDATIONS

APPROVE subject to conditions:-

Conditions

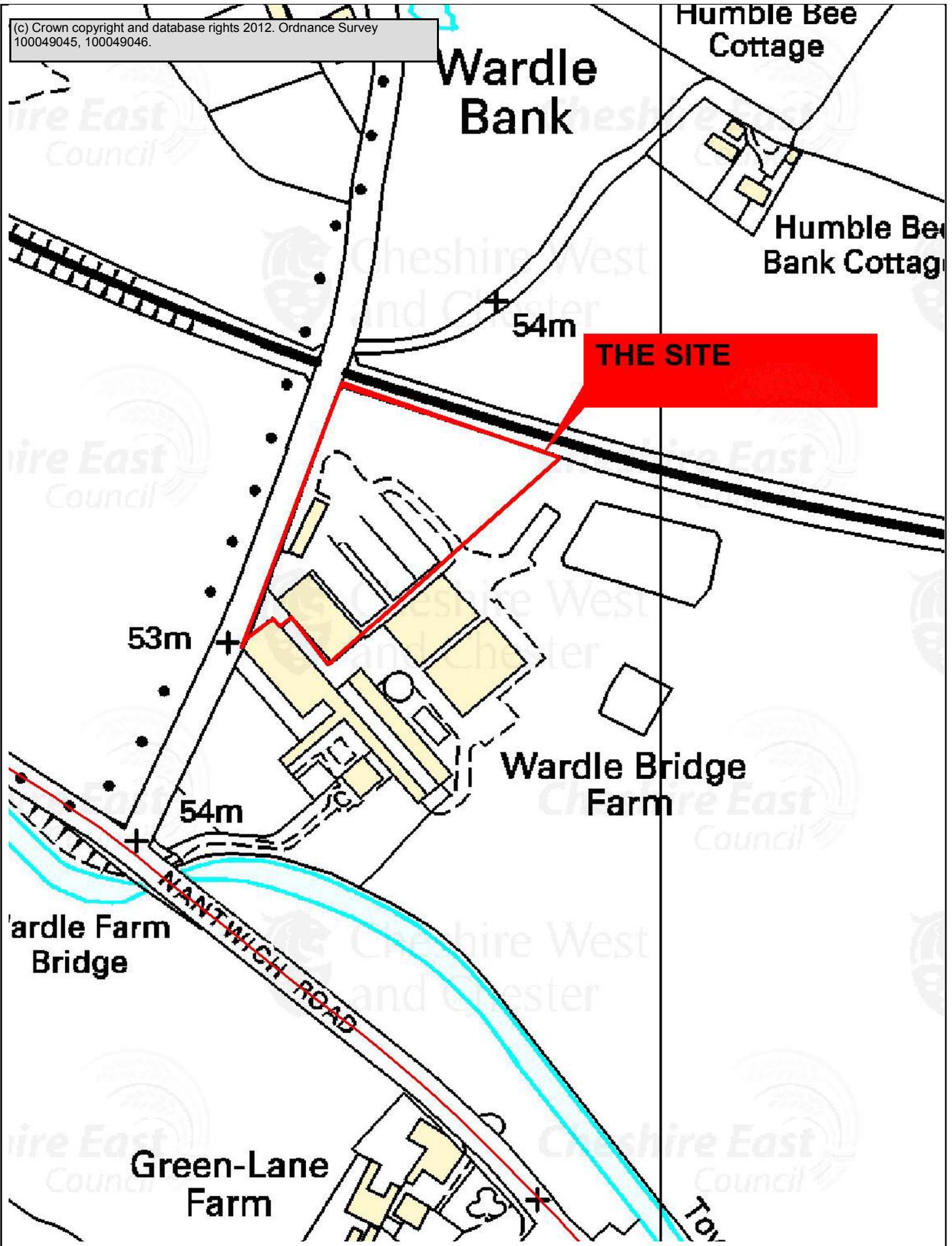
- 1 Standard**
- 2 Reference to plans.**
- 3 Materials**
- 4 Construction of parking and access**
- 5 Submission / approval and implementation of travel plan**
- 6 Submission / approval of landscaping**
- 7 Implementation of landscaping**
- 8 Construction Hours limited to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil**
- 9 Submission / approval and implementation of external lighting**
- 10 Building to be used for the display, sale, storage and repair of agricultural machinery with ancillary offices / retail sales only**
- 11 The unit shall not be used for retailing any goods other than those genuinely associated with a an agricultural machinery dealership, and shall not be used for the retailing of any of the following goods:**
 - Fashion clothing and footwear (other than country, equestrian and leisure clothing and footwear normally retailed within a country store);**
 - Fashion accessories, including jewellery, cosmetics, toiletries and pharmaceutical products; books, newspapers and magazines (other than specialist publications or animal health products normally retailed within a country store);**
 - Electrical goods (other than those which would normally be retailed within a country store);**
 - Kitchenware or goods associated with cookery**

Application for Full Planning

RECOMMENDATION:



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Application No: 12/3007N

Location: Lower Farm, WHITCHURCH ROAD, BURLEYDAM, SY13 4AT

Proposal: Conversion of existing redundant milking barns to create 9 residential units and subdivision of the existing farmhouse into 2 separate residential units (equating to 11 dwellings on site), with associated works

Applicant: I Barton

Expiry Date: 27-Nov-2012

SUMMARY RECOMMENDATION:

Approve with Conditions

MAIN ISSUES:

- **The impact upon the character and appearance of the barns and the open countryside**
- **The impact upon neighbouring residential amenity**
- **The impact upon Protected Species**
- **The impact upon the highway network**
- **Assessment of potential alternative uses for the barns**
- **The impact upon the future occupiers of the barns**

REFERRAL

The application has been referred to Southern Planning Committee as it is a development which would result in the creation of 11 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is located on the southern side of Whitchurch Road, Burleydam within the open countryside. The site is a former farm, which consists of a traditional farmhouse and a range of traditional brick barns (including part Dutch Barn) and more modern farm buildings. The nearest neighbouring property (The Old Vicarage) is located 130 metres to the north of the site. The site currently has two vehicular access points and there are a number of large trees to the front of the site. Part of the site is located within the Flood Zone as identified by the Environment Agency

DETAILS OF PROPOSAL

This proposed development is for the conversion of the range of traditional barns into 9 dwellings and the subdivision of the existing farmhouse into 2 dwellings. The proposal

includes two garage blocks and a bin store which would accommodate 5 cars. The barns and farmhouse would use the western access point with the eastern access point used to access the existing fields. The modern agricultural buildings would be demolished as part of this proposal.

The subdivision of the farmhouse would result in the demolition of later extensions to the north and south elevations. A small porch extension would be constructed to the north facing elevation with minor changes to the external elevations of the building.

RELEVANT HISTORY

The site has no relevant planning history

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.16 - Re-use and Adaptation of a Rural Building for Residential Use

NE.20 – Flood Prevention

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 – Infrastructure

Other Legislation

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

CONSULTATIONS (External to Planning)

Environmental Health: Conditions suggested in relation to contaminated land and construction hours

Highways: The proposed location of the housing is not ideal in transport and accessibility terms. The proposal for 11 dwellings will not, however, in itself cause severe harm.

The proposed access and visibility is considered acceptable to serve a small residential development as proposed. No details are provided regarding the proposed changes to the farmhouse and the proposed level of parking at this location. A further four parking spaces will be required at the farmhouse (to be redeveloped as two residential units).

Environment Agency: Originally objected to the application. However based on the revised drawing showing a 5 metre buffer strip from Barnett Brook the objection has been withdrawn and the following condition is requested:

- No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone, measures from bank top, alongside the *watercourse* shall be submitted to and agreed in writing by the local planning authority. Bank top is defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths and formal landscaping; and could form a vital part of green infrastructure provision.

Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development. Reference should be made to the Natural England standing advice on protected species.

United Utilities: No objection

VIEWS OF THE PARISH / TOWN COUNCIL:

Object to the application on the following grounds:

Vehicular access to the proposed site

The plans constitute an extremely hazardous entry and exit point onto the A525. This is already a dangerous stretch of road with a speed limit of 60 mph and where there have already been a number of road traffic accidents in recent years. It would be much safer if any proposed development could be accessed via Lodmore Lane. There also does not appear to be any comments/feedback from Cheshire East's Highways officers and the Parish Council would welcome their views on this application.

Proposed footpath from Lower Farm to Burleydam

Whilst, in principal, this is a good idea the Parish Council are struggling to see how a footpath could be constructed to run alongside the A525 due to issues with the levels at this point. It is also likely that any footpath construction would lead to the removal of an established section of hedge.

In addition, even if the footpath issues raised can be resolved there is still the issue that a footpath could not be incorporated onto Burleydam Bridge due to its existing width. The Parish Council is, therefore, particularly concerned about the lack of a footpath across the bridge and the potential dangers that this poses for the schoolchildren that may live at Lower Farm if redeveloped.

Design

There are concerns that there may be excessive glare from the proposed glass panels on the haybarn for drivers travelling along the A525. The Parish Council also feel that the proposed development is too high a density for the location and proposed access.

Affordable Housing

The current proposals include for 1 affordable housing unit. This ratio does not reflect Cheshire East's current housing policy which asks for 30%. Based on this quota the Parish Council would expect to see 3 affordable housing units included within the scheme.

Sewerage

Whilst the Parish Council appreciate that the proposed development will be serviced using septic tanks the Parish Council would like the assurances that measures will be put in place to ensure that the water courses on either side of the site will not suffer from any foul water contamination from the site. This is particularly relevant given the vagrancies of the British climate and excessive rain in recent years.

Ecology

The Parish Council would also like an assurance that established trees and hedgerows will not be removed as part of any redevelopment of the site as there is no direct reference to this matter in the ecology reports.

OTHER REPRESENTATIONS:

Four letters of objection have been received raising the following points:

- Increased vehicles accessing the A525
- Highway safety
- Previous applications have been refused in the area due to highways concerns
- Increased accidents
- There is no footpath along Whitchurch Road
- Pollution to the watercourse
- Sewage disposal issues
- Flooding in the area
- The infill of the Dutch Barn is out of character
- The farm should be retained and would make an ideal family farm
- What will happen to the agricultural land?
- Access to the site is inadequate
- Visual appearance of the site with increased car parking and bin storage
- No provision for affordable housing
- The proposal is an overdevelopment of the site
- The speed limit should be reduced to 40mph through Burleydam
- Overdevelopment of the site
- The mature trees and hedgerows on the site should be retained
- The proposed footpath would result in the loss of hedgerow and this would leave the development over exposed
- There is a lack of information about how the site will be drained.

APPLICANT'S SUPPORTING INFORMATION:

Supporting Planning Statement (Leith Planning Ltd)

Extended Phase 1 Habitat Survey and Bat and Barn Owl Scoping Survey (Produced by UES)

Design and Access Statement

Transport Statement (Produced by NTP)

Economic Statement (Produced by Meller Braggins)

Structural Survey (Produced by Meller Braggins)

Flood Risk Assessment (Produced by PSA Design)

9. OFFICER APPRAISAL

Principal of development/alternative uses

The National Planning Policy Framework states that planning policies should support economic growth in rural areas and take a positive approach to new development. One of the core principles is that planning should *'encourage the reuse of existing resources, including conversion of existing buildings'*.

Policy NE.16 of the Replacement Local Plan allows for the re-use of rural buildings to residential use where the applicant can demonstrate either that the building is inappropriate for commercial, industrial or recreational use by virtue of its character and/or location and that every reasonable attempt has been made to secure a business re-use, or that the residential use is ancillary to a business use.

The supporting economic statement has looked into a number of alternative business and commercial uses for the barns, in line with Policy NE.16. The conclusions of this statement are accepted, the rural location of the site and high costs of conversion make alternative uses unviable. Furthermore due to the proximity of the farmhouse and other residential properties and the cost of conversion, it is not considered that the barns would be appropriate for a commercial or employment use. Therefore the principle of residential re-use is acceptable, and it would serve to bring redundant buildings back into use. As such, the retention of this building and re-use for residential purposes would secure its long term future and therefore must be encouraged. The fabric of the building represents the vernacular rural architecture of the area and therefore its retention would contribute to the local character.

Furthermore in this case the development would provide housing units which would assist with the Councils 5 year housing land supply. This is a requirement of the NPPF and adds significant weight in favor of the principal of development.

As part of this application a Structural Survey has been provided and this states that the buildings are capable of conversion to residential use. There would be some repair work to the roofs, replacement rainwater goods and strengthening of walls. The results of this survey are accepted.

Amenity

The residential property most affected by this development is the existing farmhouse which would be subdivided as part of this application. It is considered that the separation distances

proposed on the site would be acceptable and adequate private amenity space would be provided for the proposed dwellings.

There would be adequate separation distances to the surrounding dwellings with the nearest being the Old Vicarage which is over 130 metres away to the north.

Design

Policy NE.16 states that the reuse of rural buildings is permitted provided buildings are capable of being converted without major or complete reconstruction and any conversion work respects local building styles and materials.

The alterations to the barns are as follows.

North elevation: Two new windows and five new roof lights

South elevation: Two-storey bricked up opening re-opened

East elevation: One new window, one bricked up window re-opened and seven new rooflights

West elevation: Two bricked up doors and one window to be re-opened and 15 rooflights

As well as the above alterations 11 of the 13 bays to the Dutch barn would be in filled with full length glazing.

The extent of the new openings has been subject to negotiation as part of the pre-application process and it is considered that the alterations to the barns are acceptable and would not harm the character of this group of barn buildings.

The proposal also includes a 2 garage blocks and it is considered that both the design and location of the garage blocks would not result in an overly domestic appearance to the site while the amount of acceptable in this open countryside location.

It is considered that the conversion of these buildings would bring some benefits as they are currently not being used and soon they could detract from the character and appearance of the open countryside.

The alterations to the farmhouse are relatively minor and would not impact upon the character and appearance of the building.

Conditions relating to window reveal, repair only, bin storage, timber windows and doors, rainwater goods, materials, surfacing materials, boundary treatment, landscaping, retention of some window shutters, window design and conservation style roof lights will be attached to ensure that the proposal is of an acceptable finish.

Highways

Site access

The design of the proposed access is acceptable to serve a development of 11 residential units but it has not been designed to accommodate a refuse vehicle and turning head. There

is a need to provide a communal bin store close to the junction with the A525. These issues will be secured through the use of planning conditions.

The visibility available at the new access point is considered acceptable being 160m in the leading direction and 114m in the non leading direction.

Traffic generation

The site, as a farmhouse and milking parlour, would have had a traffic generation associated with these former uses. It is indicated, from the farm diversification report submitted, that farm households generate a total of 26 trips per week and farm businesses a total of 40 trips per week. Assuming the milking parlour generated traffic on weekdays and the farmhouse generated traffic seven days per week, and both uses generated average farm type flows, it might have expected a total of 66 weekly vehicle trips; or say 12 per weekday.

Realistically, a residential development of this type in a rural area one might expect somewhere between 0.9 and 1.0 vehicle trip in a peak hour on the highway network, and maybe eight or so daily vehicle trips.

Such a level of traffic generation for 11 dwellings will be barely noticeable on the highway network in peak hours, and a generation of 80 vehicle trips daily is minimal.

A total of 20 parking spaces are proposed for the nine new build dwellings on the site. The level of parking meets CEC parking standards. There also appears to be a large area of tarmac close to the proposed grass areas and units 1 and 2 that will almost certainly be used for parking.

Flood Risk/Drainage

Part of the application site is identified as Flood Zones 2 and 3. This relates to land to the west of the barns but it limited to part of the curtilage of the proposed dwellings only and would not include the barns themselves. The submitted FRA identifies that the floor levels of the barns would be a minimum of 410mm above the 1 in 1000 year flood event level and the proposed dwellings would be defined as having a low probability of flooding. This has been accepted by the Environment Agency who have raised no objection to the development subject to the provision of a 5 metre buffer to the watercourse.

Protected Species

Evidence of roosting by two bat species and barn owls has been recorded within the buildings subject to this planning application. From the survey work undertaken to date the Councils Ecologist advises that it is likely that the level of roosting activity is likely to be relatively low and no barn owl breeding activity or bat maternity roosts are likely to be present. The conversion of the building on this site is still however likely to have an adverse impact upon these protected species due to the loss of this roosts and the risk of killing/injuring or disturbing animals during the proposed works.

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

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

and provided that there is

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

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

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

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

The NPPF advises that LPA’s should contribute to *‘protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

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

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

- There are no satisfactory alternatives as without conversion the barns and farmhouse would fall into further disrepair which would be harmful to the character and appearance of the site.
- The derogation is not detrimental to the protected species recorded on site as a scheme of mitigation which is acceptable to the Councils Ecologist has been provided and will be secured through the use of a planning condition. The mitigation includes breeding bird boxes

(swallows and sparrows), Bat roosts within the roof space of the garage blocks and Barn Owl nest boxes.

- There are imperative social reasons of overriding public interest as the development would assist with achieving the Councils 5 year housing land supply, the development would provide a boost to the economy and the buildings would be at risk of further deterioration if the development was not approved.

Conditions will be attached regarding bird mitigation and that if works commence within the bird breeding season then the buildings should be checked by an ecologist prior to the commencement of development.

Other issues

One letter of objection and the objection from the Parish Council query the level of affordable homes to be provided on this site. As the application relates to the conversion of existing buildings there is no requirement for affordable housing.

10. CONCLUSIONS

The buildings are in good structural and physical condition and can be converted with only minor alterations and repairs. The proposed conversion makes maximum use of existing openings and would retain the rural appearance of the buildings. The use of the buildings for residential use would not have a detrimental impact upon the character of the Open Countryside. The proposal is considered to be acceptable in terms of its impact upon protected species subject to suitable mitigation. The proposal is therefore considered to comply with Policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-use and Adaptation of a Rural Building for Residential Use), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard – 3 years**
- 2. Materials to be submitted and approved**
- 3. Removal of all permitted development rights including no insertion of rooflights or other openings and no closing of existing openings.**
- 4. No rebuilding permitted; repair and refurbishment only**
- 5. Curtilage of dwellings should not extend beyond that illustrated in submitted drawings.**
- 6. Window reveal to be 100mm**
- 7. Demolition of existing buildings prior to occupation of the dwellings**
- 8. Provide car parking spaces prior to occupation**
- 9. Drainage details to be submitted and approved**
- 10. Landscaping to be submitted**
- 11. Landscaping to be completed**

12. **Boundary treatment to be submitted and approved**
13. **Rainwater goods to be black and metal**
14. **Surfacing Materials to be submitted and approved**
15. **Retention of window shutters**
16. **Conservation style roof lights**
17. **Timber doors and frames**
18. **Contaminated Land**
19. **Bin storage to be submitted and approved**
20. **Approved plans**
21. **Development to be carried out in accordance with Protected Species Mitigation Measures**
22. **External lighting to be submitted and approved**
23. **Works within the bird breeding season**
24. **Re-designed access to accommodate refuse vehicles**
25. **Hours of construction**
26. **Five metre buffer to Barnett Brook**
27. **Communal bin store**

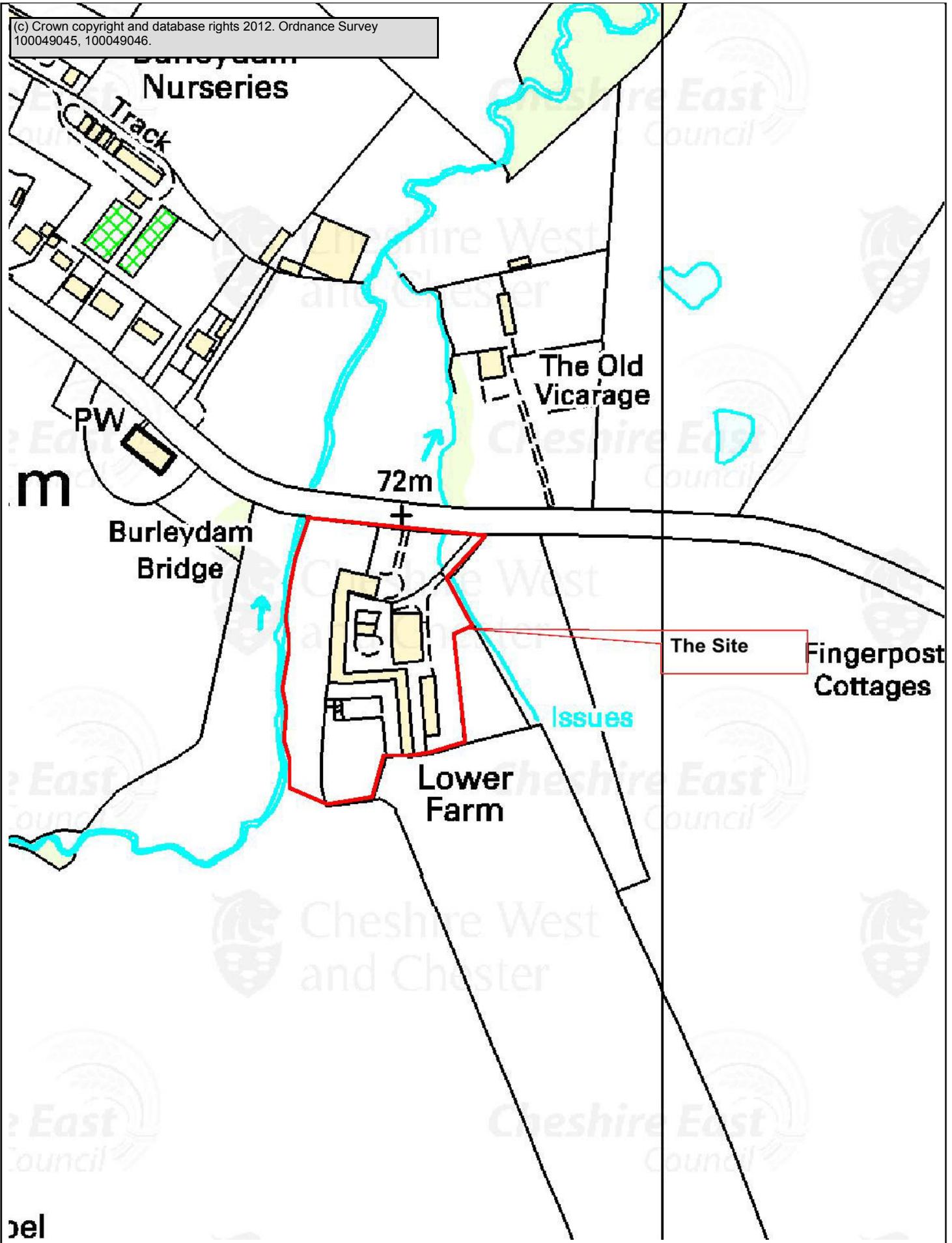
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION:



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Application No: 12/1455C

Location: Land on the Corner of, Moss Lane and Station Road, ELWORTH, SANDBACH, CHESHIRE

Proposal: Outline Planning Permission (with access from Station Road applied for) for the Erection of up to 41 Dwellings

Applicant: Revelan Group PLC

Expiry Date: 23-Oct-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and the completion of Section 106 legal agreement

MAIN ISSUES:

The key issues for Members to consider in determining this application are:

- a) Principle of Residential Development and Housing Land Supply
- b) Loss of Employment Land
- c) Highways
- d) Public Open Space Provision
- e) Trees

REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposal is for more than 10 dwellings and is therefore a small-scale major development.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an industrial site located at the junction of Station Road, Elton Crossings Road, Moss Lane and Salt Line Way. The premises long term occupant Saxon Vehicles, vacated the site in May 2005. Since that time the site has been mainly vacant or partially occupied on short term rolling tenancies.

The rectangular shaped site comprises 1.23 hectares and is laid out to hardstanding and comprises one large two storey, brick built three bay industrial unit of circa 5000 m. The established use falls within Class B2 (General Industry) with an ancillary building in B1 use (Business). The site is currently vacant having been last occupied circa 6 months ago by a short term tenant on a rolling tenancy.

The area is generally mixed industrial/residential in character. Directly opposite on Station Road are small, recently developed, small workspace units. To the immediate north is an industrial warehousing complex on Moss Lane. The remaining majority land use in the wider area is residential. The site is situated within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

Outline planning permission is sought for the demolition of the existing industrial building on the site and the construction of 41 residential units. The plans submitted with the application are indicative only. Matters of appearance, landscaping, layout and scale are reserved for subsequent approval, however access is fully detailed as being via Station Road. Public Open Space is indicatively provided on site. As such this proposal merely seeks to establish the principle of residential development on the site with a fixed access via Station Road.

The scheme has been amended during the course of the application, including reducing the overall numbers of units to 41 units, from 48 units and relocating the proposed site access to Station Road from Moss Lane. Public Open Space has also been provided on site.

RELEVANT HISTORY

The site has no relevant planning history.

POLICIES

Regional Spatial Strategy (RSS)

DP1	Spatial Principles
DP2	Sustainable Communities
DP 3	Promote Sustainable Economic Development
DP 4	Make the Best Use of Existing Resources and Infrastructure
DP 5	Manage Travel Demand; Reduce the Need to Travel
DP 6	Marry Opportunity and Need
DP 7	Promote Environmental Quality
EM11	Waste Management Principle
EM2	Remediating Contaminated Land
EM5	Integrated Water Management)
EM18	Decentralised Energy Supply
MCR3	Southern Part of the Manchester City Region
L2	Understand Housing Markets
L4	Regional Housing Provision
RT2	Managing Travel Demand)
W3	Supply of Employment Land)

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision
H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns
E10	Re-use or Redevelopment of Existing Employment Sites

Other Material Considerations

The National Planning Policy Framework (NPPF)

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in Residential Developments
SPD4	Sustainable Development

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

Sandbach Town Strategy

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to conditions

Strategic Highways Manager: Considered the initial access from Moss Lane to be unacceptable. Raises no objection to the access as amended subject to conditions.

Nature Conservation Officer (NCO): No Objection subject to conditions concerning breeding birds

Environment Agency: No objection subject to conditions concerning compliance with the recommendations of the Flood Risk Assessment and surface water regulation.

Forestry Officer - Raises no objection subject to conditions.

Housing Strategy and Needs Manager – No objection subject to the provision of 30% Affordable Housing being provided.

Education

Based on a development of 41 dwellings (2 bed+) the following calculations apply:

Primary School

The Council is forecasting that the local primary schools will be oversubscribed by the September 2013 intake. In light of this a primary school contribution will be required for every pupil of this age generated by the development. $7 \times 11919 \times 0.91 = \text{£}75,924.03$

Secondary School

The Councils forecasts are showing the Sandbach secondary schools having 50 places each (100 in total) available by 2018. However, these two schools are facing further pressure in light of the amount of development which is proposed in Sandbach including 2 schemes which have already commenced (Fodens and Canal Fields) and will generate 48 secondary aged pupils between them. There are a further 2 applications for the Fodens Test Track and the Albion Inorganic Chemicals site which have been approved subject to completion of the S106 Agreement which will generate an additional 64 secondary aged pupils. Bearing in mind the latest forecasts, this proposed development will come on line the secondary schools are going to be oversubscribed due to development. In light of this it is calculated that the scheme would generate $5 \times 17959 \times 0.91 = \text{£}81,713.45$

Green space Manager - No objection in principle to the application, but advises that there will be a need for POS on site. If POS is to be maintained by the Council a commuted sum will be necessary.

They also advise there is a requirement for new play and recreation provision to meet the future needs arising from the development. Whilst there is no requirement for the new provision to be on site, the existing facilities in the area are substandard in quality including a poor range of facilities to meet the needs of the local community.

An opportunity has been identified for the enhancing the quality of an existing facility at Thornbrook Way.

Committed sums for enhanced Provision of £12,361.95 and Maintenance sum of £40,297.50

VIEWS OF THE SANDBACH TOWN COUNCIL:

Sandbach Town Council has no objection to the application

OTHER REPRESENTATIONS:

Original scheme

Two submissions of support who consider that the removal of the industrial building will be beneficial to the locality and the use of brownfield land is preferable to Greenfield land

Three objections on grounds of loss of employment use of the site; increased traffic generation, impact upon local services, schools, the additional provision of housing in principle in the area and the Ecological Report is out of date.

Revised scheme

Working For Cycling – makes various recommendations to the layout and the wider street environment in the interests of cyclists, including the removal of bollards on Elton Crossings Road.

Councillor Corcoran – supports these suggestions from Working for Cycling, particularly the suggestion to create a cycle route through Elton Crossing Way towards School Lane.

Three further representations received. One considers the proposal to be an environmental improvement to the appearance of the area but raises some concern about the ability of Station Road to cope with the additional traffic generated.

Two objections on grounds of loss of trees, increased overlooking, removal of the bollards on Elton Crossings Road.

APPLICANT’S SUPPORTING INFORMATION:

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Phase 1 Contamination Assessment
- Employment Land Overview
- Marketing Report

All of these documents are available in full on the planning file, and on the Council’s website.

OFFICER APPRAISAL

Principal of Development

National Planning Policy Framework

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years

housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 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.”*

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply. In terms of the SHLAA, this site has been assessed to be achievable and deliverable within Years 1 to 5 for the delivery of 48 units.

Appeals

There are several contemporary appeals that also feed into the picture of housing supply in Cheshire East. At Elworth Hall Farm in Sandbach, a proposal for 26 homes was allowed on a small site on the outskirts of the town.

Hindheath Road (269 homes) has been remitted back to the Secretary of State following a successful high court challenge, whilst Abbeyfields (280 homes) went to the court of Appeal in July and an outcome was expected some time in late October. No date has been set for when the outcome can now be expected.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings.

The Council has sought leave to challenge this decision, it is unknown at the time of writing whether the Legal Challenge will proceed further through the Courts.

In Neighbouring Cheshire West & Chester, the lack of a five year supply and the absence of any management measures to improve the position were material in allowing an appeal for housing on a greenfield site in the countryside in the Cuddington Appeal case, which Members will be aware of from previous Appeals Digest reports.

Conclusion – Housing Land Supply

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The Appeals that have been determined in this area and the Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered to be up to date. Where policies are out of date planning permission should be granted 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.”

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. In the light of the sustainable location of this brownfield site within the Sandbach Settlement and the lack of a 5 year plus 5% buffer in housing land supply, it is considered that the contribution to housing land supply must be accorded considerable weight.

As a consequence, the application turns, therefore, on whether there are any **significant** and **demonstrable** adverse effects, that indicate that the presumption in favour of the development should not apply in this case. This is considered in more detail below;

Loss of Employment Land

Although an unallocated employment site within the settlement boundary, Policy E10 applies to this site. This policy states that proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 1 The adequacy of supply of suitable employment sites and premises in the area
- 2 Whether reasonable attempts have been made to let or sell the premises for employment uses

The applicant's planning statement explains that the location close to residential properties on 3 sides, its age, condition and physical characteristics render the premises unsuitable for efficient, modern day industrial requirements and this serves as a major barrier in attracting prospective tenants.

In respect of marketing, the site has been marketed since 2005 by 3 different agents. Late in 2006 the property was let to a company called Glebe Transport, who went into receivership within 6 months of occupation. The submitted marketing overview states that very little interest has been shown in the premises due to the low level demand for engineering facilities due to the structural changes in the economy. Interest was expressed by distribution type companies but they also tended to express concern over the eaves height within the building, which was considered inadequate.

Potential distribution companies could not rack to the full height due to the undulating floor levels and eaves height. The feedback was that there were other more suitable sites closer to the strategic highway network that were better suited to distribution companies. Concerns were also expressed by potential tenants about the site's proximity to residential properties. In 2008/2009, following the economic down turn, the level of interest decreased further. Potential occupiers were more attracted to speculative warehouses being completed elsewhere which were of modern build standards and had a better specification than the site.

Marketing agents confirm that the premises are unattractive to potential occupiers because the premises are old (1950's) and coming to the end of its economic life, the accommodation is inflexible, access is poor; with access to the Moss Lane estate being the narrow access to Station Road from London Road for articulated lorries.

Feedback from potential occupiers was that there are better locations for employment development and Industrial occupiers are wary of the site's proximity to residential occupiers.

Since 2009 marketing has involved the provision of a second print run of marketing particulars of 2000 units, the initial run being 3000; a marketing board was placed on the site, direct mailing over a regular period throughout the marketing to;

1. North West property agents on a quarterly basis (list of 250 contacts)
2. details sent to Economic development Unit
3. distribution companies in Cheshire, Staffordshire
4. property companies
5. car showroom occupiers
6. care home operator
7. Northwich, Sandbach, Winsford occupiers
8. trade counter users
9. sheltered accommodation
10. non food and food retailers

The premises remained vacant until April 2010 when Servisair (Airport servicing) took part of the premises on a flexible short term rolling contract. At that time the owner was looking to achieve a rent of circa £2 per sqft from a marketing figure in the region of £3 per ft. They offered the site as a whole or in part and on a very flexible short term basis. The Servisair deal covered not much more than costs and covered insurance, rating and security issues. Servisair needed a wind and water tight environment to store airport related vehicles that had become surplus to their needs due to the global downturn in air travel. Servisair used the site for the storage of vehicles and equipment. The premises were unmanned for the majority of their occupation and Servisair left the site completely in May 2012. Servisair were the only firm who expressed an interest in the premises and during their rolling tenancy occupation, no other firms expressed an interest in the site.

The site is also listed on joint agents web site and particulars were regularly emailed to local, regional and national agents it is reasonable to say that there is still the demand for properties of this type for employment uses. The property has been on the commercial property database at Cheshire East Council on the 20th July 2012 since that date the Council has received no enquiries for this property.

The owner advises that the property would not lend itself to effective subdivision due to the orientation of the bays. The bays are side on to the yard therefore the back section would be left with very poor servicing and a shared yard. Occupiers of units of 20,000sqft upwards do not like shared yards and require good servicing.

The only interest in the freehold in the site was for alternative uses other than commercial.

In addition, the owner considers that a split into units smaller than 20,000sqft would not be viable or practical on the basis that the cost of putting in full height fire walls to compartmentalise and then the creation of fire corridors would be too expensive.

On balance, it is considered that taking into account the age, size, design and condition of the building and the availability of suitable alternative employment sites in the area, and the proximity of the site to residential properties, it has been reasonably demonstrated that the site has been adequately marketed for some time and that it is no longer suitable for employment uses without significant upgrading which given the rental level achieved when the premises were last rented (£2 per sq foot) is uneconomic. On this basis, there is no objection to the loss of the employment use.

Provision of Affordable Housing

The Councils Interim Planning Statement for Affordable Housing states that the Council will seek affordable housing on all sites with 15 units or more, and the general minimum proportion of affordable housing for any site will be 30% of the total units.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Sandbach, there is a requirement for 75 new affordable homes per year between 2009/10 – 2013/14, made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 bed and 10 x 1/2 bed older persons accommodation.

In addition to the 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 are currently 79 applicants on the housing register on Cheshire Homechoice who have selected Elworth as their first choice, these applicants require 15 x 1 bed, 34 x 2 beds, 23 x 3 beds and 3 x 4 beds. 18 of the applicants who have selected 1 or 2 beds have indicated they would accept a flat. (4 applicants have not specified how many bedrooms they require).

Therefore as there is affordable housing need in Sandbach there is a requirement that 30% of the total units at this site are affordable, which equates to 14 dwellings (in the form of 9 x 2 beds and 5 x 3 bed properties).

The Affordable Housing IPS also states that the tenure mix split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Affordable Housing IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. These requirements can be secured via a Section 106 Agreement.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

As this application is an outline application there are no further details about the affordable housing provision. The applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage and should include details of the affordable housing scheme, including the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

Highways

The application is accompanied by a Transport Assessment. Based on typical traffic generation for industrial and for residential use, it is estimated that future traffic generation for residential use of the site by 48 units would be broadly similar to that if the site was reused for industry, but with of course, none of the significant HGV movements.

The Strategic Manger (Highways) is of the view that there are no particular capacity or safety issues in the vicinity, and the site has reasonable accessibility to facilities and public transport, and accordingly there is no highways objection to the proposal.

Access is applied for at this stage and has been amended at the request of the Highways Engineer from the original access on Moss Lane to Station Road. Concurrently, the overall numbers of residential units has been reduced to 41 units.

Public Open Space Provision

The amended scheme proposes an area of Public Open Space (POS) centrally positioned along western boundary of the site. The indicative layout indicates this area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality usable space. The layout provides 1400 sq m of POS, which accords with the Council's Supplementary Planning Guidance for a development of up to 41 units. On-going maintenance of the POS via a commuted sum payment of .£18, 801.75 is required.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Thornbrook Way, to increase its capacity. This facility is a local facility located less than 300m away from the development site. The existing facilities at the identified site are substandard in quality and the applicant has agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contributions and the establishment of the management company, the scheme is considered to be in accordance with SPD6.

Ecology

The submission includes a survey of the building for protected species. The report and findings of the survey conclude that the buildings do not support any protected species nor do the buildings offer suitable habitat for bats. It is considered therefore that the proposed development would comply with the requirements of policies NR1 and NR2 of the local plan as well as PPS9 'Planning and Bio-diversity'.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application an illustrative master plan has been submitted.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The master plan is purely illustrative but generally illustrates that the site can accommodate a layout of externally orientated blocks of semi detached dwellings to Station Road and Elton Crossing Way an Moss Lane and the Public open Space provided within the site being overlooked by dwellings. The proposed density is circa 32 dwellings per hectare which is appropriate in the context of the existing residential densities in the wider area. The Agent has confirmed that the proposed development would be two-storey, however, it is considered that occasional increases in height may be appropriate to define spaces and to create focal points within the layout.

Avenue tree planting, which screens the existing industrial premises to the west is retained to the Salt Line Way frontage. However it would be a benefit to integration to provide a link through to the POS and site through the tree belt on Salt Line Way. The tree belt is not within the red edge of the application site and is on highway land.

Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties. The indicative layout indicates a development that is able to be laid out to comply with this requirement, internally and externally.

It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved. It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

Renewable Energy

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. As this application is in outline form with all matters reserved except for access, no details of renewable energy proposals have been submitted. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted at the Reserved Matters stage, and subsequently implemented.

Conclusion

The fact that the site is within the settlement zone suggests that the site is suitable for housing. The area is well served by a local shop, a public house, nearby public open space and a primary school. Also the train station together with local bus stops lie in close proximity. The site is therefore in a sustainable location in accordance with Paragraph 14 of the NPPF.

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

Community Infrastructure Levy (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 affordable housing is necessary, fair and reasonably related to this development to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu of public open space and recreation provision is necessary, fair and reasonable, as the proposed development will provide 41 family sized dwellings of different sizes, with on site Public Open Space provided which will result in future maintenance requirements. Likewise, the future residents will utilise recreational facilities

and place additional demands upon such infrastructure within the vicinity of the site. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

The proposed development would result in an increased number of school children living within the catchment of local schools. An education contribution is necessary to ensure that local schools have capacity to serve this development and is directly related and fair and reasonably related in scale and kind to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- **Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- **A commuted sum payment of £15,963.75 maintenance of on site POS**
- **Committed sums for enhanced Provision of £12,361.95 and Maintenance sum of £40, 297.50 in lieu of Children's and Young persons provision**
- **A commuted payment of £75,924.03 towards primary school education and £81,713.45 secondary school education**

And the following conditions

1. **Standard outline**
1. **Submission of reserved matters (landscaping, external appearance, layout and scale)**
2. **Approved plans**
3. **Scale Parameters - no higher 2 ½ storey**
4. **Landscaping to include boundary treatments**
5. **Contaminated land investigation (Phase 1)**
6. **Hours of construction/demolition**
7. **Details of pile driving operations**
8. **Submission of Environmental Management Plan (noise and air quality during demolition and construction)**
9. **Scheme to accord with Flood risk Assessment**
10. **Scheme of surface water regulation to be submitted**
11. **Only foul drainage to be connected to sewer**
12. **Retention of important trees**
13. **Submission of Comprehensive tree protection measures**
14. **Implementation of Tree protection**
15. **Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
16. **Submission of details of boundary treatment**
17. **open plan estate**

- 18. Provision of 2 m wide pavement to Station road/ Elton Crossing Road**
- 19. Existing access to be closed off and made to adoptable standards**
- 20. Private maintenance contract to be submitted and approved for Public Open Space**
- 21. Existing vehicular access to be closed off and made up to adoptable standards as pavement**

Application for Outline Planning

RECOMMENDATION:



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Application No: 12/3740N

Location: Cedar Court, Corbrook, Audlem, Crewe, CW3 0HF

Proposal: Proposed alterations to Cedar Court to provide a 35 bedroom Nursing Home within the existing building for which planning permission has been granted for a Nursing Home (Ref: 10/4845N and 11/4578N).

Applicant: Morris & Company Limited

Expiry Date: 31-Dec-2012

SUMMARY RECOMMENDATION:

- **Approve subject to conditions**

MAIN ISSUES

- **Principle of the conversion,**
- **The impact on the character and appearance of the buildings,**
- **Residential amenity**
- **Highway safety.**

1. REFERAL

The application has been referred to southern planning committee because it is a major development, by virtue of the floor area.

2. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application relates to Corbrook Court at Audlem, which is a former country residence, which has been converted and heavily extended in order to form a nursing home. Planning permission was granted in 2006 for a new-building to the rear of the main house to provide 15 self contained extracare units (known as Cedar Court). This has since been completed. However, the developer is experiencing difficulty in letting the units and therefore planning permission was granted on 14th February 2011 for change of use of part of the existing building to provide 12 nursing bedrooms and associated facilities. (Application 10/4845N refers)

A further permission was granted in March 2012 (11/4578N refers) for the change of use of the remainder of the building to provide a further 12 nursing bedrooms. The proposals involved the addition of 2 small windows in the exterior of the building and internal alterations.

Consent was also granted to vary condition 4 of planning permission 10/4845N to remove the age restriction for the nursing home use.

This application is a revised scheme for the change of use of the whole building to provide a 35 bed nursing home.

3. PREVIOUS RELEVANT DECISIONS

P05/1061	Two Storey Accommodation Block comprising 15 Units 27/03/2006
P07/0684	Single Storey Link Between Existing Nursing Home and Extra Care Facilities 10/07/2007
10/4845N	Proposed Alterations and Extension to Provide 12 Nursing Bedrooms and Change of Use of Part of the Building from Extra Care to Nursing Home Use – approved 14 th February 2011
11/4578N	Alterations to provide 12 nursing bedrooms and variation of conditions – Approved March 2012

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

NE.2 (Open Countryside)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

TRAN.9 (Car Parking Standards)

5. OBSERVATIONS OF CONSULTEES

Environmental Health

- No objection to the above application.
- 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.

Highways

No comment received at the time of report preparation.

6. VIEWS OF THE PARISH / TOWN COUNCIL:

No comment received at the time of report preparation.

7. OTHER REPRESENTATIONS:

No other letters of representation have been received.

8. APPLICANT'S SUPPORTING INFORMATION:

None submitted.

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the acceptability, in principle of the conversion, the impact on the character and appearance of the buildings, residential amenity and highway safety.

Principles of Development

The proposal involves the change of use of an existing building within the open countryside to a residential use and therefore policy NE 15 is relevant. Policy NE.15 requires the consideration of commercial uses before residential uses will be permitted. Given that the proposed nursing home, will be run on commercial basis, it is considered that there is no conflict with this element of the policy. The other criteria under Policy NE.15, relate to design and highway matters, and are dealt with below.

Policy NE.16 deals with the commercial re-use of existing buildings and states that such proposals will be acceptable subject to a number of criteria. The building is newly constructed and is therefore of substantial, sound and permanent construction. It would not lead to the dispersal of activity on such a scale as to prejudice the vitality of Audlem Village. The nature of the proposed use is such that it will not harm the local environment through the creation of any form of pollution and there will be no form of commercial activity outside

the building. The other criteria are similar to those contained within Policy NE.15, and relate to design and highway matters. As stated above, these are dealt with below.

The need for the nursing bedrooms was demonstrated by supporting information submitted under planning application 10/4845N and the applicant has confirmed that the demand remains in line with that information

In respect of the previous application, the Council's Adult Services Section raised concerns that 43% of current residents are from outside the Cheshire East area and they would not want to see this replicated in any further provision. They have also stated that they would hope that the charges made at the development would be in line with Cheshire East contract price for nursing home accommodation.

Whilst it would be possible to impose conditions or legal agreements to restrict occupancy or prices for accommodation, according to Circular 11/95 in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. Given that there are no policies in the local plan relating to nursing home development, or its occupancy, the conditions are not necessary in order to ensure compliance with the development plan and there would be no grounds to refuse the application were they not imposed. Consequently, the conditions are not considered to be justifiable or necessary within the terms of the 6 tests as set out in the Circular. Similar tests exist in respect of legal agreements.

Highways

The change from extracare, where residents are more able, to nursing accommodation, where closer care is required, will result in an increase in the number of staff by 6FTE. This is considered to be a relatively small increase in staff vehicle movements. Furthermore, due to the greater level of infirmity of nursing home residents, relative to extracare it is unlikely that residents would be able to travel to and from the site independently. Consequently, traffic generation would reduce as a result. It is considered that this would compensate for the increase in staff vehicle movements. Whilst there would also be some traffic created by visitors to nursing home residents, the extracare facility also created visitor traffic.

In the light of the above, and in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highway safety or traffic generation grounds could be sustained.

Design

The only physical alteration to the external appearance of the existing building involves the incorporation of one new timber window to the North West elevation to serve the proposed ground floor admin office and

reception. The windows will match the style of the existing windows and will not adversely affect any part of the existing development. It is therefore considered to be acceptable in design terms.

It will be sited on a part of the elevation, where there are already 2 similar window openings and a door.

Amenity

The nearest neighbouring property is over 100m from the building in question and therefore the proposed conversion or extension would not be harmful to neighbouring amenities with regard to noise, disturbance, overlooking or overshadowing. The proposed alterations to window openings will face towards the existing nursing home building alongside and therefore do not raise any privacy or amenity issues. The new opening will be sited on a part of the elevation, where there are already large window openings. Consequently it will not result in any loss of amenity to the existing residential accommodation within the nursing home complex or surrounding properties.

Conditions

The previous application on the site also sought to vary condition 4 of planning permission 10/4845N which limited the occupancy of the nursing bedrooms granted under the first element of the Cedar Court redevelopment "to persons at or above 55 (fifty five) years of age and the spouse of such a person or a widow or widower of the same". The developer wanted to make the accommodation available for persons under 55 in need of full time nursing care.

It was agreed that the age of the occupants has no bearing on the impact of the development on the surrounding area in land-use terms.

However, it was considered that some restriction was required to prevent the building from simply becoming a house in multiple occupation which may have amenity and highways implications over and above those generated from a nursing home. For example, if the building were occupied as an HMO by able bodied working people, traffic generation would be significantly greater. The condition was therefore amended to restrict the occupation of the building to "persons in need of full time nursing care and the spouse of such a person or a widow or widower of the same". It is proposed that the same condition be applied to this revised consent.

Conclusion

The principle of the proposed conversion is considered to be acceptable, and whilst the concerns of the Adult Services Section in respect of occupancy and pricing are noted, there is no conflict with the development plan and as a result conditions or legal agreements could not be justified in this case.

The proposals are considered to be acceptable in terms of design, amenity and highway safety. Having due regard to all other material considerations raised, the proposal is considered to be in accordance with the development plan and accordingly is recommended for approval.

10. RECOMMENDATIONS

APPROVE subject to conditions:-

Conditions

- 1 Standard**
 - 2 Reference to plans.**
 - 3 Materials**
 - 4 Occupancy restriction to those in need of full time nursing care.**
-

Application for Full Planning

RECOMMENDATION:



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