

Southern Planning Committee

Agenda

Date: Wednesday, 16th January, 2013
Time: 2.00 pm
Venue: Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH (PLEASE NOTE CHANGE OF VENUE)

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 - 12)

To approve the minutes of the meeting held on 12 December 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. **12/4069C Land To The Rear Of Canal Road, Congleton: Alteration To Dwelling Types At Plots 10-17, Swans Reach, Wolstanholme, Canal Road, Congleton for Wainhomes (North West) Ltd** (Pages 13 - 20)

To consider the above planning application.

6. **12/4371C 1, Boundary Lane, Congleton CW12 3JA: Demolition of Existing 3-Bedroom Bungalow and Detached Garage and Development of Two 3-Bedroom Houses and One 4-Bedroom Detached House for Mr J Hayes, Northmeadow Ltd** (Pages 21 - 30)

To consider the above planning application.

7. **12/2764N Pool View Bradfield Green Eardswick Lane, Minshull Vernon, Cheshire CW1 4QX: Demolition of Shippon and Construction of Two New Houses and One Detached Garage, Alterations to Existing Access and New Septic Tank for Mr P K Stubbs** (Pages 31 - 40)

To consider the above planning application.

8. **12/3415C Site of Elworth Wire Mills, Station Road, Sandbach CW11 3JQ: Change Of Use For Entire Site To Residential Use for Allister Boote** (Pages 41 - 56)

To consider the above planning application.

9. **12/3727N Manor Orchard, Flowers Lane, Leighton, Crewe CW1 4QR: Outline Application For Residential Development for D and S Wood** (Pages 57 - 64)

To consider the above planning application.

10. **12/4082C Tall Ash Farm Triangle, Buxton Road, Congleton, Cheshire CW12 2DY: Construction Of Three New Residential Dwellings (Resubmission of Application Reference 12/0106C) for P, J & Ms M Hudson** (Pages 65 - 76)

To consider the above planning application.

11. **12/4530C 38, Congleton Road North, Church Lawton ST7 3BA: Proposed Two House Building Plots for Mr C Lawton (Pages 77 - 86)**

To consider the above planning application.

12. **12/4584C Booseys Garden Centre, Newton Bank, Middlewich CW10 9EX: Redevelopment of Former Boosey's Garden Centre to Provide Class A1 Retail Building, Car Park and Service Yard (Revisions to Previous Scheme 11/2164C) for Optimisation Developments Ltd (Pages 87 - 100)**

To consider the above planning application.

13. **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 at Wardle Bridge Farm, Nantwich Road, Wardle, CW5 6BE (Pages 101 - 108)**

To consider proposed amendments to the Committee's previous resolution in respect of application 12/3294N.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 12th December, 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, R Cartlidge, J Clowes, W S Davies,
P Groves, A Kolker, M A Martin, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey, A Moran and J Wray

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and D Marren

96 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 12/4082C, Councillor A Thwaite declared that he had spoken to Councillor P Mason but that he had kept an open mind.

With regard to application number 12/3807C, Councillor A Kolker declared that he had attended a meeting with residents but that he had made no comments and kept an open mind.

With regard to application number 12/3902N, Councillor P Groves declared that he had spoken to residents and called in the application. Councillor Groves declared that he would exercise his separate speaking rights as a Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 12/2808N, Councillor P Butterill declared that her son lived opposite the site and that she had discussed

the application. In accordance with the code of conduct, Councillor Butterill withdrew from the meeting during consideration of this item.

Councillor P Butterill declared that, notwithstanding the publication in the press of a letter from her regarding development on Greenfield sites, she had kept an open mind with respect to all the applications on the agenda for the current meeting, and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also declared that she was a member of Nantwich Town Council and Nantwich Civic Society.

With regard to application number 12/3902N, Councillor P Butterill declared that she had spoken to a resident but had not discussed the application.

All Members of the Committee declared that they had received correspondence regarding application numbers 12/3847C, 12/3603C and 12/2225C but had kept an open mind.

With regard to application number 12/3735N, Councillor A Moran, who was in attendance at the meeting, declared that he was the Chairman of the Beam Heath Trust, which was a landowner on Peach Lane.

97 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 21 November 2012 be approved as a correct record and signed by the Chairman.

98 12/2808N LAND AT 2 RAILWAY BRIDGE COTTAGES, BADDINGTON LANE, BADDINGTON, NANTWICH CW5 8AD: CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE INCLUDING EXTENSION OF EXSITING HARDSTANDING FOR MR J FLORENCE

Note: Councillor M Jones (the Leader of the Council), who had registered an intention to speak, attended the meeting and addressed the Committee with respect to Gypsy and Traveller sites in general.

Note: Having declared that her son lived opposite the site and that she had discussed the application, Councillor P Butterill withdrew from the meeting during consideration of this item.

Note: Councillor Rachel Bailey (Ward Councillor) attended the meeting and addressed the Committee on this matter.

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

Committee Members also noted that in the officer's report 'industrial purposes' in the second paragraph under 'Amenity' should read 'residential purposes'.

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

1. The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies RES13 (Sites for Gypsies and Travelling Showpeople) of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within paragraph 23 of Planning Policy for Traveller Sites.
2. In the opinion of the Local Planning Authority the proposed development will have an adverse impact on the character and appearance of the open countryside which is not outweighed by need contrary to Policies NE.2 (Open Countryside) and RES.13 (Sites for Gypsies and Travelling Showpeople) of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.

99 12/3847C THIMSWARRA FARM, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE CW11 3QB: CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES, INCLUDING LAYING OF HARDSTANDING AND DRIVEWAY FOR MR LAWRENCE NEWBURY

Note: Councillor J Wray (Ward Councillor), Councillor W Scragg (on behalf of Moston Parish Council), Mr D Wright (on behalf of Action Moston) and Miss R Williams (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager – Development Management, who confirmed that, due to insufficient information with respect to where the horses would be grazed, officers were recommending that the application be refused.

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

1. 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 paragraph 23 of Planning Policy for Traveller Sites.

2. The proposed development combined with other existing and proposed schemes for Gypsy/Traveller accommodation in the immediate locality would cumulatively have an adverse impact on the character of the countryside contrary to Policy PS8 (Open Countryside) and also guidance within paragraph 12 of the Planning Policy for Traveller Sites.
3. In the opinion of the Local Planning Authority the applicant has provided insufficient information to determine where their horses will be grazed as such the proposal is contrary to policies H6 (Residential Development in the Open Countryside and the Green Belt), H7 (Residential Caravans and Mobile Homes) and H8 (Gypsy Caravan Sites) of the Borough of Congleton Local Plan First Review.

100 **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**

Note: Councillor J Wray (Ward Councillor), Councillor W Scragg (on behalf of Moston Parish Council), Mr D Wright (on behalf of Action Moston) and Mr A Holder (objector) attended the meeting and addressed the Committee on this matter.

Note: Councillor P Evans had registered his intention to address the Committee on behalf of Warmingham Parish Council but did not attend the meeting.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager – Development Management, who confirmed that there had been a change in circumstances since the Committee had considered a similar application for the same site.

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

1. 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 paragraph 23 of Planning Policy for Traveller Sites

2. The proposed development combined with other existing and proposed schemes for Gypsy/Traveller accommodation in the immediate locality would cumulatively have an adverse impact on the character of the countryside contrary to Policy PS8 (Open Countryside) and also guidance within paragraph 12 of the Planning Policy for Traveller Sites.
3. Insufficient information has been submitted to demonstrate that the proposed development and its access will not have an adverse impact on an Important Hedgerow running along Dragons Lane. Without sufficient information the development would be contrary to policy NR3 (Habitats) of the Borough of Congleton Local Plan First Review.

101 **12/3735N ALVASTON HALL HOTEL, PEACH LANE, WISTASTON, CREWE CW5 6PD: ALTERATIONS AND EXTENSIONS TO EXISTING HOTEL/LEISURE SITE INCLUDING PART DEMOLITION OF EXISTING BUILDINGS, NEW BUILD BEDROOM ACCOMMODATION, EXTENSION AND REFURBISHMENT OF DINING/CABARET/ AND LOUNGE AREAS WITH ASSOCIATED PARKING AND LANDSCAPE WORKS FOR MR SIMON THOMPSON, BOURNE LEISURE**

Note: Mr J Sayer and Mr S Thompson attended the meeting and addressed the Committee on behalf of the applicant.

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

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

1. Standard
2. Materials to be submitted and approved
3. Provision of car parking prior to first occupation
4. Cycle parking to be provided prior to first occupation
5. Submission and approval of details of service routes.
6. Scheme of drainage to be submitted and implemented
7. Submission of details of lighting
8. Development to proceed in accordance with bat mitigation strategy unless varied by subsequent Natural England License.
9. Provision of features for breeding birds
10. Breeding Bird survey prior to works commencing in nesting season.
11. Implementation of submitted landscape proposals.
12. Submission and approval of details of service routes.
13. Submission and approval of a site construction method statement to include details of demolition works, spoil management, site compound, and construction routes.
14. Adherence to submitted tree protection measures.
15. Submission and approval of an addendum to the AMS to include:

- (i) Contact details of all relevant parties for project including retained arboriculturalist.
 - (ii) A specified programme of arboricultural supervision and reporting for the project.
 - (iii) Any amendments required in relation to services provision.
16. Adherence to revised AMS.
17. Construction Management plan to include details of phasing, site compound, contractor parking and temporary customer/staff parking during each phase of the development.

102 **12/3741C 21, SHEARBROOK LANE, GOOSTREY CW4 8PR: FIRST FLOOR EXTENSION TO EXISTING PROPERTY AND SINGLE STOREY SIDE AND REAR EXTENSION FOR MR J CARTWRIGHT**

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

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

Note: Councillor P Butterill returned to the meeting during consideration of this item but did not take part in the debate or vote.

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

The Committee considered a report regarding the above planning application.

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

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

103 **12/3807C LAND ADJACENT TO ROSE COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 25 NO. DWELLINGS (INC. 7NO. AFFORDABLE UNITS) TOGETHER WITH THE CREATION OF A NEW ACCESS FOR BLOOR HOMES J WILSON S OWEN TRACEY & SO, JOINT APPLICATION**

Note: Councillor J Wray (Ward Councillor), Councillor J Deans (on behalf of Brereton Parish Council), Councillor D Lancake (on behalf of Somerford Parish Council), Mr A Lindsay (objector) and Mr M Waite (on behalf of the

applicant) attended the meeting and addressed the Committee on this matter.

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

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

Notwithstanding the fact that the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development does not apply in this case because the proposal does not constitute sustainable development, due to its remote location, isolated from shops, services, employment sites, schools and other facilities. It is considered that the adverse impacts of approving the development in sustainability terms would significantly and demonstrably outweigh the benefits, of the increase in housing land supply. The proposed development is therefore contrary to the NPPF.

104 **12/3879N OFFICE PREMISES, THE FORMER GENUS PLC, ROOKERY FARM ROAD, TARPORLEY, CHESHIRE: OUTLINE APPLICATION FOR RE-SUBMISSION OF APPLICATION 12/3086N - DEMOLITION OF EXISTING STEEL PORTAL VACANT OFFICE BUILDING. CONSTRUCTION OF FOUR DWELLINGS WITH ASSOCIATED GARAGE, ACCESS AND PARKING FOR GENUS PLC**

Note: Mrs O Starkey attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Principal Planning Officer.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

- A provision of 30% affordable housing (1 unit) to be provided for affordable/social rent
- Provide before 50% completion
- Transfer to RSL
- Control of occupancy

and the following conditions:

1. Outline Time
2. Time for Reserved Matters
3. Approval of Reserved Matters

4. Two Storey Dwellings only
5. No habitable windows to side facing elevations
6. Hours of construction
7. Landscaping plan
8. Tree Protection
9. Arboricultural method statement
10. Breeding Birds survey
11. Pile Driving hours
12. Contaminated Land report
13. Removal of PD
14. Approved Plans

(b) That, 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 Development Management and Building Control Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

105 **12/3902N 2, CEDAR GROVE, NANTWICH CW5 6GZ: PROPOSED DWELLING IN CURTILAGE OF BEECH HOUSE 2 CEDAR GROVE FOR MR & MRS W J GREEN**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor P Groves withdrew from the meeting during consideration of this item.

Note: Councillor A Moran (visiting member), Professor P Jones (objector) and Mr R Holmes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

Although this application is in outline only, the applicant has not demonstrated that there is sufficient space within the site to accommodate a dwelling which would be in-keeping with the character of the streetscene, and also meet the amenity spacing standards required. The proposal therefore amounts to an overdevelopment of the site and is considered to be contrary to Policy BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011.

106 **12/4082C TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON, CHESHIRE CW12 2DY: CONSTRUCTION OF THREE NEW RESIDENTIAL DWELLINGS (RESUBMISSION OF APPLICATION REFERENCE 12/0106C) FOR P, J & MS M HUDSON**

Note: Mr I Pleasant attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That the application be DEFERRED to allow officers to consider the revised plans that had been received.

107 **12/4087N T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE CW5 6BJ: THE ERECTION OF A REPLACEMENT STORAGE AND DISTRIBUTION UNIT, INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE (DETAILS OF LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), FOLLOWING THE DEMOLITION OF THE EXISTING BUILDING ON THE SITE FOR T I MIDWOOD AND CO LTD**

Note: Councillor R Cartlidge left the room during consideration of this application and did not take part in the debate or vote.

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

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

1. Standard Time Limit
2. Plan References
3. Materials
4. Drainage
5. Landscaping Submitted
6. Landscaping Implemented
7. Car parking and turning areas to be made available prior to the first occupation of the building
8. No External Storage
9. Travel Plan
10. External Lighting
11. Surfacing Materials
12. Acoustic Attenuation
13. Contaminated Land

108 **12/4107N FORMER SITE OF EARL OF CREWE HOTEL, NANTWICH ROAD, CREWE, CHESHIRE CW2 6BP: CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED CAR PARKING, SERVICING FACILITIES AND LANDSCAPING FOR C/O AGENT, ALDI STORES LTD**

Note: Councillor R Cartlidge returned to the room prior to consideration of this application

Note: Mr C Cunio attended the meeting and addressed the Committee on behalf of the applicant.

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

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

1. Standard
2. Plans
3. Submission / approval of materials
4. The retail store hereby permitted shall not be opened to the public except between the following times 0800-2200 Monday to Saturdays and 1000 to 1700 hours Sunday for the first 12 months from the first occupation of the retail store. These opening hours shall be discontinued on or before that date and shall revert to 0800 – 2000 Monday to Saturday and 1100 – 1700 on Sundays and Bank Holidays unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.
5. Submission / approval of details of highway access
6. Implementation of landscaping
7. There shall be no deliveries to the site except between the following times 0700 – 2300 Monday to Saturdays and 0800 to 2200 Sundays for the first 12 months from the first occupation of the retail store. These delivery hours shall be discontinued on or before that date and shall revert to Monday – Friday 08.00hrs - 20.00hrs; Saturday 08.00hrs - 20.00hrs; Sunday 10.00hrs - 17.00hrs unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.
8. Construction Hours restricted to; Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil.
9. Should there be a requirement to undertake foundation or other piling on site these operations shall be restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 08:30 – 13:00 hrs; Sunday and Public Holidays Nil.
10. Submission / approval of details of the design and position of removable bollards / barriers or other means to secure the car park. Car park shall be closed to members of the public outside store opening hours

11. Submission / approval of sustainable energy saving features and 10% renewables
12. The development to be undertaken in accordance with the submitted construction waste management plan
13. Provision of parking and turning areas
14. The development to be undertaken in accordance with the submitted lighting plan.
15. Submission / approval of Air Quality Assessment and mitigation measures including travel plan
16. Prior to any work taking place to construct the external walls of the development hereby permitted, full details of the elevational treatment to Sherwin Street, to incorporate brick modelling and elements of structural glazing, shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

109 **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**

Note: Mr T Morris attended the meeting and addressed the Committee on behalf of the applicant.

Note: Mr J West had registered his intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application.

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

- 1 Standard
- 2 Reference to plans.
- 3 Materials
- 4 Occupancy restriction to those in need of full time nursing care.

110 **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**

Note: Mr L Regan (objector) and Ms H Hartley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

The proposal, by virtue of the increased traffic generation through the adjacent residential area would have an adverse impact on the amenity of local residents due to traffic generation coming through the estate contrary to Policy GR6 of the Congleton Borough Local Plan First Review 2005.

The meeting commenced at 1.00 pm and concluded at 6.30 pm

Councillor G Merry (Chairman)

Application No: 12/4069C

Location: Land to the rear of Canal Road, Congleton

Proposal: Alteration to dwelling types at plots 10-17, Swans Reach, Wolstanholme, Canal Road, Congleton.

Applicant: Wainhomes (North West) Ltd.

Expiry Date: 24-Dec-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- a) Background
- b) Design and Character
- c) Residential Amenity

1. REASON FOR REFERRAL

This application seeks to amend an application that was previously approved by the Southern Planning Committee.

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.64 ha parcel of land located on the western side of Canal Road directly to the east of Wolstanholme Close within the Congleton Settlement Zone Line. The site is bounded to the north by access to the Macclesfield Canal, to the east by Canal Road, and to the south and west by residential properties. The majority of the site was previously Greenfield with the remainder comprising the residential property known as 'Canal Villa' and an area of land used for the parking of plant hire equipment. However, work has already begun on implementing the previous planning approval, which granted full planning permission for the erection of 17 dwellings with access taken off Wolstanholme Close.

3. DETAILS OF PROPOSAL

This application seeks to amend the previously approved application for the erection of 17 dwellings. This application relates specifically to plots 10-17 which are the units in the far north-eastern corner of the site where they wrap round the side and rear of the existing property referred to as 'Canal Villa'. The proposed amendments involve:

- Increase in the land levels

- Increase in the slab levels of the houses
- Reduction in ridge height by 1 metre
- Plot 13 gable end changed to a hipped roof
- Reduction in height of existing retaining structures by 1 metre

4. RELEVANT HISTORY

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

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

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

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

5. POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing

NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

6. CONSIDERATIONS (External to Planning)

Environmental Protection:

No objection subject to contaminated land conditions - The applicant has supplied a geo-environmental investigation report. Although the report is two years old, no potentially contaminating former land uses were identified on the site. Trial pits were revealed a hydrocarbon odour and remediation of the affected area was recommended in the report.

Highways:

No objection

United Utilities:

No objection

7. VIEWS OF CONGLETON TOWN COUNCIL

REFUSE – The Town Council has strong concerns about part of the development overlooking existing properties on Canal Road. It is requested that the technical issues regarding the height of the properties be referred to the appropriate Cheshire East Departments.

8. OTHER REPRESENTATIONS

15 letters of representation have been received, objecting to this application on the following grounds:

- The development is not in conformity with the original approval
- The developer has intentionally gone against the
- Building levels are at an unacceptable level of between 8/10 feet above existing ground levels which will result in finished houses being over dominant and visibly obtrusive
- The only change that the developer has offered is to reduce the roof heights
- The developer should demolish what they have done and revert back to the original levels
- The changes will hardly compensate for the 8-10 foot changes in the original ground levels
- Proposed changes do not address the breach of planning control
- The buildings will dominate the skyline
- The proposed buildings will swamp neighbours outlook, result in a loss of privacy and cause loss of light
- The window height of the houses will still remain the same
- Proposal will look like a prison camp and will be an eyesore from Canal Road

- Before building started the field and parking used by Canal Villa sloped down from Wolstanholme Close and now it rises up by at least 1 metre
- The builder has brought in over 50 HGVs full of aggregate to build up the levels
- The road into the site now rises up
- Excess surface water now flows into the drain infrastructure of Wolstanholme Close; this was originally designed to only cope with 13 houses
- Potentially damaged the tree line at the boundary with no. 17 Wolstanholme Close
- The raising of the footings height level and the removal of immature trees makes this development clearly visible to the canal
- Lowering the slab level by 0.75 metres and the ridge heights by 1 metre will be nowhere near enough
- The only way this would be acceptable is to change them into bungalows

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Amended Plans
Contaminated Land Report
Scheme for Nesting Birds

10. OFFICER APPRAISAL

Members may recall that full planning permission was granted for the construction of 17 dwellings on land off Canal Road, Congleton with access proposed off Wolstanholme Close. Building work on the site is well under way with the slab levels for most of the units already in place. However, the works that have been carried out are not in accordance with the approved plans.

The levels of the site have been altered, with an increase of levels towards the north and northern western corner of the site where the site adjoins the side and rear of the existing property referred to as 'Canal Villa'. Such changes have led to an increase in the height of the slab levels for plots 10-17 and it is these which are most prominent and visible from views of Canal Road and the access path serving 'Canal Villa' and the canal towpath running along the northern boundary of the site.

It is not the purpose of this application to revisit the principle of the development, as this has already been established. The key issues that Members need to consider are whether the proposed changes are acceptable in terms of their impact on the character and appearance of the area (including landscaping) and the impact on the residential amenity afforded to neighbouring residents. The changes do not have a material impact on highways or parking provision or any other material planning considerations such as ecology, affordable housing, public open space or flooding and drainage.

Character and Appearance

As Members may recall, the approved layout is served by a single access point by continuing the existing turning head off Wolstanholme Close into the site. The road would turn 90 degrees which would allow a block of 4 mews properties to front the access and to provide a focal point when entering the site (plots 10-13). The dwellings would be arranged around an L shape with 4

further units situated behind the mews properties on plots 14-17 to provide an enclosed courtyard. This courtyard would be served by an underpass located within the front units. It is these properties that are affected by this proposal.

Having begun works on the site, the levels towards the northern end have been increased by at least 2 metres in order to accommodate the previous fall on the site and to link the drainage system in with the existing drainage infrastructure on Wolstanholme Close. It is this which has dictated the increase in levels and therefore the corresponding increase in the slabs levels of units 10-17 and their final height. Furthermore, in order to retain the earthworks and soften their appearance the developer has already put in place a number of 'Permacrib' retaining structures running along the boundary with Canal Road to the rear of plots 14-17 which then turns and wraps around the rear of Canal Villa and then travels up alongside plots 10-13 parallel with the canal. In parts, these retaining structures are some 3 metres higher than adjacent ground levels.

In order to reduce the impacts that the proposed changes would have, the developer has tried to respond to concerns expressed by the Council, by reducing the resultant height of the affected dwellings on plots 10-17. To do this, it is proposed to reduce the slab levels of plots 14-17 by 0.75 metres and to reduce the pitch of the roof slopes across all plots 10-17 to 23 degrees thereby bringing the ridge height of the roof down by 1 metre. Coupled with the reduction in the slab levels, this would amount to an overall reduction of 1.75 metres in the height of units 14-17, and 1m for units 10-13. With respect to the retaining structures, the developer has agreed to reduce the height of these by 1 metre along their full extent.

In terms of the visual impact, with the proposed changes, units 10-17 and the associated retaining structures will have a greater visual impact than the originally consented scheme. Owing to the site's elevated position compared with Canal Road, with the properties on the opposite side occupying much lower ground, the resultant plots 14-17 will be prominent. However, the impact on the character and appearance of the area will be softened by the proposed revisions, the fact that plots 14-17 are set back from the Canal Road frontage (because they back onto it) and the introduction of planting, which once established will help to break up the views.

With respect to plots 10-13, these will be tucked behind units 14-17 and Canal Villa and as amended, will not be evident from views off Canal Road. Nonetheless, these units will be evident from the adjacent Macclesfield Canal to the north and the footpath leading up from Canal Road to meet with the canal towpath. To reduce this impact, the end unit (plot 13) has been amended so that it has a hipped roof instead of a gable end as previously proposed. Coupled with the reduction in slab level, ridge height, the reduction in the retaining structure and the existing mature screen planting along the boundary with the canal, it is not considered that this would unacceptably harm the visual amenity or appearance of the canal.

Members will note that there is currently a 2 metre high rail fence on this part of the retaining structure, which exacerbates its visual impact. The developer has agreed that the top of the retaining structure, once it has been reduced by 1 metre, will be furnished with a knee high rail so that the overall built height is not added to. This would offer an improvement over what has already been constructed. Taking this and the above into account, whilst there will be a greater impact on the visual appearance of the area than the consented scheme; on balance it is considered the amendments would not significantly harm the visual amity of the area.

Residential Amenity

The other key consideration for Members is the potential impact on the residential amenity afforded to neighbouring properties. In some cases, SPG2 states that a greater separation distance of 27.5 metres can be sought where for example the dwellings and rear gardens are comparatively small. Given that the site is more elevated than the properties on the opposite side of Canal Road, the proposed dwellings are likely to have a greater impact than if they were at the similar levels. However, even assessing the proposal against the more onerous separation of 27.5 metres, the proposal exceeds this requirement. The distance between the rear of plots 14-17 and the property directly opposite no. 124 Canal Road would be approximately 34 metres. As such, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west.

With respect to Canal Villa to the north, the proposals would achieve the minimum interface distances advised within SPG2. As such the proposed dwellings themselves would not give rise to direct overlooking, loss of light or increased sense of enclosure. The proposed retaining structure wraps around the side and rear of Canal Villa and as currently constructed (without permission), does appear dominant from the rear of Canal Villa. However, subject to the reduction in height of the retaining structure as now proposed, it is not considered that this impact will be so significant to warrant a refusal given that the rear windows within Canal Villa are offset and are not within the end of the rear outrigger which directly faces the retaining structure. Subject to the removal of permitted development rights, as per the original approval, the proposal is found to be acceptable in terms of residential amenity.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development has already been accepted. Whilst the works that have been carried out so far to date are not acceptable in terms of their visual impact and potential impact on neighbours, this proposal seeks to reduce those impacts to an acceptable level. While what is now proposed may not be what was originally envisaged for the development, each application must be considered its merits and as proposed. Although it is an on balance decision, it is considered that the proposed changes as now proposed would not cause significant material harm to the visual amenity of the area or neighbouring residential amenity and therefore it is not considered that a refusal could be sustained. The application is therefore recommended for approval.

12. RECOMMENDATION:

Grant approval subject to S106 to link this application to the previous S106 legal agreement and the following conditions:

Conditions

1. 3 year time limit
2. Development in accordance with amended plans
3. Hours restriction – construction including delivery vehicles.
- 4.. Contaminated land
- 5.. Drainage in accordance with submitted detail
6. Landscape scheme in accordance with submitted detail

7. Implementation of landscaping
8. Survey for breeding birds and protection during breeding season
9. Incorporation of features into the scheme suitable for use by breeding birds in accordance with submitted detail
10. Tree protection with adherence to Arboricultural Method Statement
11. Submission/approval and implementation of a programme of remedial works to retained trees.
12. Site specific details of no dig construction for footpath
13. Development to be carried out in accordance with submitted levels and set out on site for LPA approval
14. Materials as per application
15. Provision of a pedestrian and cycle link from the development onto Canal Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority
16. Removal of permitted development rights classes A-E for plots 10-17 inclusive
17. Removal of permitted development rights for openings for plots 1, 2, 4, 5, 7, 8, 9, 10, 14 and 17
18. Obscured glazing within southeast facing side elevation of plots 7 and 8.

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Application No: 12/4371C

Location: 1, BOUNDARY LANE, CONGLETON, CW12 3JA

Proposal: DEMOLITION OF EXISTING 3-BEDROOM BUNGALOW AND DETACHED GARAGE AND DEVELOPMENT OF TWO 3-BEDROOM HOUSES AND ONE 4-BEDROOM DETACHED HOUSE

Applicant: MR J HAYES, NORTHMEADOW LTD

Expiry Date: 01-Jan-2013

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Design, Impact on the Character and Appearance of the Locality/Streetscene
- Impact on Amenity of adjacent properties
- Impact on Highway Safety and parking

1. REASON FOR REFERRAL

This type of application would usually be dealt with under delegated powers, however Councillor David Brown has called the application into Southern Planning Committee on the grounds of access, highway safety and overdevelopment.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is situated on Boundary Lane, within the Congleton settlement zone line. The proposed site previously held a detached single storey bungalow and a single detached garage. The dwelling and garage have recently been demolished. The existing access to the site is at a 45 degree angle to the corner of Maxwell Road and Boundary Lane.

This application is a resubmission of a previous application for four dwellings which was refused by Southern Planning Committee on the 31st October 2012 meeting 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 SPG.*

3. DETAILS OF PROPOSAL

This proposal seeks full planning permission to demolish the existing dwellinghouse and garage (retrospectively) and replace it with 2no semi-detached dwellings, and a detached dwelling with associated access.

4. RELEVANT HISTORY

12/3227C – Demolition of existing 3-bedroom bungalow and detached garage and development of four, 3-bedroom semi-detached houses – Refused 1st November 2012

5. POLICIES

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Congleton Local Plan 2005

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

PS4 Towns

H1 & H2 Provision of New Housing Development

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

SPG2 Provision of Private Open Space in New Residential Developments

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager - The SHM recommends APPROVAL of the development subject to conditions and the Applicant entering into a suitable S278 Agreement to provide a footway along the frontage of the site with Maxwell Road.

Environmental Health – No objections subject to conditions for hours of operation and pile foundations and a note about contaminated land.

7. VIEWS OF THE TOWN COUNCIL - Object to the proposal on the following grounds,

- Highway safety – particularly being so close to the primary school
- Access problems due to proximity of existing properties, lamppost, speed humps and bus stop,
- Loss of amenity
- Overdevelopment

8. OTHER REPRESENTATIONS

- Letters of representation have been received from the occupiers of 32 residences. The main issues raised are;
 - The existing building has been demolished prior to receiving planning permission,
 - 3 driveways off Maxwell Road will still have the same issues with parking and access,
 - Over development of the plot,
 - Traffic is already very bad in the area this will only make it worse, (mainly at school times),
 - One of the semi's has been replaced by a large detached dwelling with a bay window in the garage – this could easily be converted into another living room in the future and therefore would have an overlooking amenity impact on No.42 Boundary Lane,
 - Obscure glazing in the first floor bedroom window could be altered in the future which would raise the same amenity issues as the previous application on No.42 Boundary Lane,
 - The proposal is only 12% smaller than the previous application which was refused,
 - The proposed path way is only 1.2m wide – this is not safe or in line with DoT recommendations of a minimum of 1.5m,
 - Two dwelling would sit much better on the site than three or four,
 - Security fencing currently erected around the site clearly shows how out of character the proposal will be,
 - The local community should be listened to, they do not want a development of this size on this plot,
 - The proposed driveways should be offset from those on the opposing side of the road, to avoid conflict,
 - The developer has not taken on board any of the comments/suggestions made at the recent committee meeting,
 - Three dwellings will still have a detrimental impact on the streetscene,
 - On road car parking in the area is already very difficult, (mainly at school times)
 - Inadequate amenity and car parking provision,
 - Overlooking from the proposed dwelling,
 - Impact on light to rear garden, side windows and driveway of No.3 Maxwell Road, SPG stated 13.8m distance the proposal would be 12m away,
 - Amenity impact on opposing properties,
 - Increase in traffic, parking and driveway may increase danger to children walking to school,
 - The police have been called on a number of occasions due to congestion issues at school times,
 - The front elevations of the dwellings are not in keeping with the surrounding streetscene and should not include gable projections,

- Impact on drainage
 - The separation distance between Plot 3 and 42 Boundary Lane is 14.8m which meets the separation guidance, however the developer has incorporated obscure glass and bay windows to adhere to design guidance rather than designing a development which fits on the site,
 - The alteration of the plans now only leaves a 1m gap between plot 2 and 3 and therefore creates a continuous frontage on the front elevation,
 - The gables proposed will increase overshadowing on the neighbours on Maxwell Drive,
 - The contrasting design of the proposed dwelling which appear obtrusive in the streetscene,
 - There is no need for more 3 bedroom dwellings in the area, there are a number up for sale in the area,
- A letter of support has been received from one resident. The main issues raised are,
 - The development will bring jobs to local people
 - The site will be within walking distance to the local school
 - Enhance the streetscene
 - Traffic issues only arise at school drop of times,
 - It is not a green belt area

Additional consultation responses received relating to the amended plans received on the 19th December 2012.

- Further letters of objection relating the amended plans have been received from 7 occupiers. The main issues raised are;
 - Plans have not been sufficiently amended to be supported,
 - Note bay window has been replaced by standard window however the garage could still be converted in the future,
 - The pavements is still insufficient
 - Too many additional dwellings in a congested area,
 - Not in keeping with the streetscene,
 - The dwelling has been demolished already,
 - The access/parking arrangements are still unacceptable and a safety hazard,
 - Still an over development of the site,
 - All previous objections are relevant

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Contaminated Land Questionnaire

Letter from Emery Planning Partnership

10. OFFICER APPRAISAL

Principle of Development

The application site is situated within the Congleton Town settlement boundary where there is a presumption in favour of development. The proposal site lies within a garden plot for a former bungalow and therefore is considered to be Greenfield land.

Nevertheless, Policy PS4 (Towns) of the Congleton Local Plan does not differentiate between either Brownfield or Greenfield land being more preferable within the settlement boundary and therefore the general principle of development is acceptable.

Paragraph 47 of the National Planning Policy Framework 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.”*

Consequently, it is considered that the contribution to housing land supply, and the above provisions of the NPPF, the proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

The main issues in this instance are therefore whether the proposed scheme is of an acceptable design, does not result in any demonstrable harm on the amenity of nearby properties or future occupants, whether the site can be satisfactorily access with an appropriate level of parking provision.

Design

The application site has recently been cleared (without prior notification approval) but previously stood an empty single storey bungalow within a fairly large open curtilage. The surrounding area is a mix of design and styles of dwellings; however the immediately surrounding properties are largely semi-detached dwellings, with a mix of dwellings on the opposite side of Boundary Lane.

The proposal seeks permission for a pair of semi-detached dwellings and a detached dwelling (3 properties). The proposed semi-detached properties have three bedrooms and the detached 4 bedrooms with a roof height the same as the adjacent dwellings on Maxwell Road. All the proposed dwellings will have gable side elevations. This is at variance with the large majority of dwellings in the surrounding streetscene which have hipped roofs. Furthermore, the gable projections off the front elevations of the dwellings are also different from the surrounding houses. This said the existing dwellings are fairly plain in their appearance and of no particular architectural merit. The proposed dwellings have been designed in such a way as to provide an element of interest to the elevations and therefore although differing from the majority of dwellings in the area it is considered that the design is suitable for the position and will not have a detrimental impact on the character or appearance of the streetscene. The proposed dwellings include bay windows on the front elevations which are a key design element taken from the properties on Maxwell Road and will help to create an element of continuity within the streetscene.

The dwellings have been designed to sit in the current building line of Maxwell Road, and plot 3 to 'turn the corner' to address Boundary Lane. The amended plans shows the front entrance door to Plot 3 sited on to Boundary Lane and the bay window element removed from the garage. This still creates active frontages facing both roads and it is considered that this will provide a good relationship with the streetscene. Furthermore, traditional detailing such as lintels, eaves details and window and door heads and cills have been proposed which will help to harmonise the dwellings with the more traditional properties on Boundary Lane.

It is therefore considered that the reduction of units from 4 to 3 has addressed the previous reason for refusal and no longer represents an overdevelopment of the site.

Impact on the Amenity of adjacent properties and future occupants

Loss of Privacy/Overlooking/Overshadowing

The proposed dwellings are to be sited on the existing dwelling plot of No.1 Boundary Lane. The proposed three two storey dwellings will appear more imposing on the surrounding neighbours than the previous single storey bungalow. However, the impact of the development needs to be addressed in accordance with the separation guidance and if there is suitable amenity space for the future occupiers of the dwelling.

Supplementary Planning Guidance note 2: Private Open Space suggests that a separation distance of 21.3m is maintained between opposing elevations with principle windows, and 13.8m between elevations with principle windows and flank elevation or elevations with secondary/obscure glazed elevations.

The proposed dwellings will be sited a minimum of 23m away from the front elevations of the dwellings on the opposite side of Maxwell Road and therefore the proposal is considered to be a suitable distance from the opposing dwellings to maintain the amenity of the neighbouring properties.

Furthermore a separation distance of 4.2m will be achieved between No.3 Maxwell Road and the side elevation of Plot 1. This is a suitable distance between flank elevations with secondary/obscure glazed windows. The width of the property will mimic the width of No.3

Maxwell Road and will be sat on the same build line and therefore the proposed building will not have a significantly detrimental impact on neighbouring amenity.

To the rear, the dwellings will face towards the rear garden and side elevation of No.3 Boundary Lane. The proposed dwellings will have an 8m rear garden and will be 12m away from the side elevation of the No.3. The existing bungalow is sited 7m away from the side elevation of No.3 and also had windows on the side elevation. It is considered that although the separation distance of 13.8m between principal windows and secondary windows is not reached between the rear elevations of Plot 3 in this instance the dwellings will be sited further away than the existing bungalow and therefore the building will have a negligible impact on over looking and overbearing impact than that which already exists at the site.

There is a separation distance of 14m between the side elevation of Plot 3 and the front elevation of No.42 Boundary Lane. No.42 Boundary Lane is a two storey dwelling with four principal windows on the front elevation sited adjacent to the path with no front garden. The proposed site plan shows that No.42 is at a slight angle to the proposed side elevation of Plot 3. At ground floor level the proposed dwelling will have a window within the garage, and a front door. At first floor level the window will serve a secondary bedroom window. All the windows on the side elevation either serve none habitable rooms or are secondary windows to habitable rooms. Therefore a separation distance of 13.8m would be acceptable. Due to the orientation of the dwellings the ground floor garage window will not directly over look the ground floor window on No.42, and does not serve a principal habitable window. It is therefore considered unnecessary to require this window to be obscure glazed. As the first floor window serves a bedroom it is considered that provided this window is obscure glazed it will have an acceptable impact on the opposing neighbour. With the addition of an obscure glazing condition it is considered that the proposal is acceptable.

Private Amenity Space

SPG 2: Private Open Space requires a minimum of 65m² of private amenity space for each new dwellinghouse. Plots 1, 2, and 3 all have the minimum of amount of private amenity space as required.

Noise

A series of conditions relating to construction hours, and pile driving are suggested which will control the impact of the proposed development on neighbouring properties during construction.

Impact on Highway Safety and Parking

A significant amount of concern has been raised in relation to the impact the proposal will have on highway safety in the area. It is acknowledged that the area appears to have a high number of traffic movements at school start and end times but the majority of the time the area is fairly quiet. The proposal is of a modest size and does not require a formal Transport Statement to support it. Three dwellings generate two or three peak hour traffic movements on the highway network during peak hours, which is a small net increase in traffic generation and therefore will not have a material impact on the highway network.

The plans show a 1.2m footpath created along the boundary of development site on Maxwell Road and Boundary Lane (there is currently no path at this point on the road). Furthermore, the driveway accesses onto Maxwell Road and Boundary Lane have been widened to ensure suitable visibility and width to allow safe entrance and egress onto the highway.

The Strategic Highways Manger notes that the minimal footway is to be provided to enable residents of Plots 1 and 2 to walk around to the bus stop and school located on Boundary Lane without the need to walk in the carriageway. Although not of ideal width it is noted that any additional width may compromise the front gardens and parking spaces of plots 1 and 2 and such a footway is considered sufficient to serve these two dwellings and will also offer the opportunity for those walking along the western side of Maxwell Road towards the bus stop and school on Boundary Lane to cross at a point further away from the junction with Boundary Lane. This footway should be adopted and secured via a S278 agreement.

The proposal includes the provision of at least 200% car parking across the three dwellings and this is considered to be a suitable provision for the size of the dwellings.

Other matters

Issues have been raised regarding the drainage of the site, United Utilities have been consulted on the previous application and have raised no objections to the proposal and therefore from a planning perspective the proposal is acceptable. Furthermore, the suitability of the drainage will be considered through the building regulations consent and therefore it is considered unnecessary to condition any further information is required.

11. CONCLUSIONS

The application site is situated within the Congleton settlement boundary and therefore the principle of development is acceptable. It is considered that there are no significant amenity or highway safety issues arising from the proposal as conditioned, and the previous reasons for refusal have been addressed. The proposed development is therefore considered to be in compliance with Policies PS4 Towns, H1 Provision of New Housing Development, H2 Provision of New Housing Development, GR1 New Development, GR3 Density, Housing Mix and Layout, GR4 Landscaping, GR6 Amenity and Health, GR7 Pollution, GR9 Accessibility, Servicing and Parking Provision and SPG2 Provision of Private Open Space in New Residential Developments of the Congleton Borough Local Plan First Review 2005.

12. RECOMMENDATIONS

APPROVE subject to the following conditions,

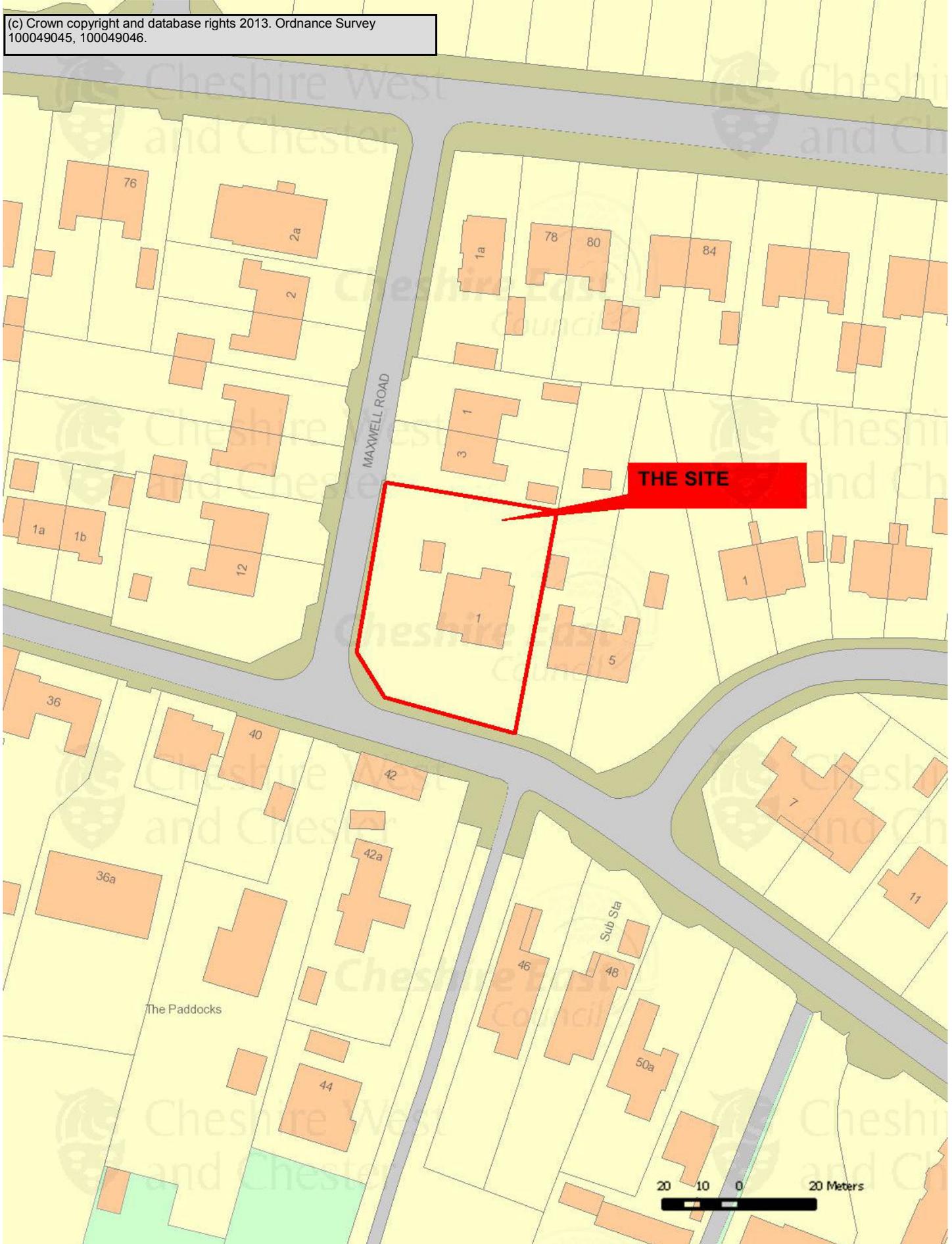
- 1. Standard time – 3 years**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Submission of landscaping scheme**
- 4. Implementation of the approved landscaping scheme**
- 5. Boundary treatment details to be submitted to the LPA and approved in writing**
- 6. Remove PD Rights for extensions and alterations to the approved dwellings, including garage conversion**

7. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
8. Pile Foundations operations limited to Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil and method statement
9. All bathroom, en-suite and landing windows to be obscure glazed and non opening, Plot 3 side elevation bedroom windows to be obscure glazed and retained as obscure glazed
10. The Applicant provides a pedestrian footway link along the frontage of the site with Maxwell Road.

Note – Contaminated Land

Note - A S278 Agreement will be required for the provision of the footway along Maxwell Road.

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Application No: 12/2764N

Location: POOL VIEW BRADFIELD GREEN EARDSWICK LANE, MINSHULL
VERNON, CHESHIRE, CW1 4QX

Proposal: Demolition of Shippon and Construction of Two New Houses and One
Detached Garage, Alterations to Existing Access and New Septic Tank

Applicant: Mr P K Stubbs

Expiry Date: 23-Oct-2012

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle - Open Countryside

Design

Amenity

Highways

Ecology

Reason for Referral

The application has been referred to Southern Planning Committee as the proposal represents a Departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of a former agricultural brick built building. To the east of the site are residential properties, with land immediately to the north benefitting from planning permission for 11No residential dwellings. The site is situated within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

DETAILS OF PROPOSAL

The application seeks full planning permission for 2No detached dwellings. Access would be gained via Eardswick Lane to the rear of the site.

RELEVANT HISTORY

P03/0614 Change of Use of Land From Agricultural to Domestic Access (Approved with conditions 16th July 2003)

P00/0348 Renewal of permission for barn conversion (Approved with conditions 6th June 2000)

P95/0276 Conversion of barn to form one dwelling (Approved with conditions 29th June 1995)

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE2 (Open Countryside)

NE5 Nature Conservation and Habitats

NE9 Protected Species

RES5 Housing in the Open Countryside

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

Other Material Considerations

National Planning Policy Framework

Supplementary Planning Document Development on Backland and Gardens

CONSULTATIONS (External to Planning)

Highways:

No objection to the revised scheme.

Environmental Health:

No objection subject to the following conditions:

1. Land contamination assessment
2. Hours and details of any pile driving:
Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Nil
3. Hours of construction:
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil

United Utilities:

No objection.

Ecology:

No objection subject to a conditions regarding nesting birds.

VIEWS OF MINSHULL VERNON & DISTRICT PARISH COUNCIL

The Parish Council comment on the inadequacy of the drainage system.

OTHER REPRESENTATIONS

At the time of report preparation a general observation has been received from Bradfield Green Farm, Middlewich Road. In summary this raises the following issues:

1. Privacy issues between bedroom windows
2. Extra level of traffic trying to get out of Middlewich Road – it may be better to use the entrance of Eardswick Lane
3. The roof of the shippon is asbestos and would need to be removed by specialists

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE2 (Open Countryside) states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The policy does however states that an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

The application site is a rectangular shaped plot with access being served from Middlewich Road and Eardswick Lane to the rear. This small stretch of Middlewich Road is characterised by a linear pattern of development on the east side of the road, with the west side being more of a cluster of a few properties and the former petrol station site. Given the location of the application site which is more akin to backland development, the siting of the proposed dwellings set back within the site, and the relationship with Bradfield Green Farm house and Rose Bank; it is not considered that the proposal would constitute the infilling of a small gap within an otherwise built up frontage.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

National Planning Policy Framework

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.”*

Consequently, the application turns on whether the development is sustainable and if any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. Whilst the site is situated within the Open Countryside, the proposal would be seen in the context of a grouping of buildings and between forms of development, particularly given that planning permission has been granted for 11No dwellings immediately adjacent to the site (09/3251N). Furthermore the site is under 1 mile in distance from the Crewe Settlement Boundary and the local amenities on offer within Leighton and the surrounding locality. There is also a small shop selling basic convenience goods within the garden centre at Bradfield Green. The local bus service into Crewe also operates in close proximity to the site. As a result the proposed development is considered to be sustainable and the principle is accepted.

Highways

The Strategic Highways Manager has raised an objection to the original application due to lack of visibility regarding the access on to Middlewich Road. Since the objection was raised negotiations have been carried out with the applicant and an alternative existing access on to Eardswick would be utilised instead. The Strategic Highways Manager has no objection to the revised proposal and as such it is considered that the development would accord with Local Plan policy BE3 (Access and Parking).

Design

The application proposes 2No detached dwellings within the site, and would be accessed off Eardswick Lane. The front elevation of the properties would face to the north, with the rear gardens sharing the boundary with Bradfield Green Farm. With regard to the existing permission on the adjacent site, the siting of the proposal would have an acceptable relationship with this development and would appear as a cluster of buildings as opposed to isolated dwellings in the Open Countryside. Surrounding development varies in terms of its style and appearance, ranging from cottages, detached bungalows, semi-detached dwellings and the large detached dwelling at Bradfield Green Farm. Furthermore a different style has also been employed on the adjacent site, although these dwellings have not been constructed yet. Accordingly, the scale and appearance of the 2No two storey detached dwellings is considered to be acceptable and would not appear incongruous with adjacent forms of development.

Given the prominence of the boundary between the application site / Bradfield Green Farm / Middlewich Road, details of the treatment of the brick wall identified on the submitted plans will be required by condition. A landscaping scheme would also be required, in addition to details of materials. Subject to the conditions, the proposal would be acceptable in design terms and would not be detrimental to the character and appearance of the area, for the reasons stated above, and would accord with Local Plan policy BE2 (Design).

Amenity

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

In terms of Rose Cottage, the proposal would be sited to the rear of this property. The side facing elevation of the nearest dwelling would be around 12 metres from the rear elevation of Rose Cottage. Supplementary Planning Document 'Development on Backland and Gardens' states that ideally there should be a distance 13.5 metres between a principal elevation with windows to habitable rooms and a blank elevation. The achievable separation therefore falls short of the guideline by around 1.5 metres, however the reduction is not significant and the SPD states that the spacing standards can be reduced dependent on the context and the character of the site involved. . The nearest dwelling would be set in from the common boundary by a minimum of 1 metre and given the separation distances involved it is not considered that the proposal would result in adverse impacts of overbearance or visual intrusion to Rose Cottage. No principal windows are proposed to the side elevation, and the non-habitable windows to the bathroom would be conditioned to be obscure glazed to avoid any overlooking or loss of privacy issues. Given the orientation of the properties, there would be some loss of light late afternoon to part of the garden area, but due to the size of the garden curtilage this would not warrant refusal of the application.

Bradfield Green Farm is situated to the southwest of the application site and benefits from large curtilage and driveway which runs adjacent to the common boundary with the application site. The existing building to be demolished is built up to the boundary and extends for a length of around 28 metres. The proposed development would be positioned further away and set in from the boundary by 11 metres. The dwellings would not directly face Bradfield Green Farm house and as such there would be no overlooking or loss of privacy impacts to habitable rooms of this neighbouring property. Furthermore the rear gardens would have a depth of 11-12 metres and with the presence of the driveway any impacts of

overlooking to the front garden area would be reduced. Due to the location of the development there would be no loss of light or overshadowing impacts to Bradfield Green Farm.

To the north of the site planning permission has been granted for 11No residential dwellings. A distance of around 24 metres would be achieved between the front elevation of the proposed dwelling and the rear elevation of the facing dwelling permitted under 09/3251N. This would be an acceptable distance with regard to amenity impacts on the future occupiers, and would be in excess of the spacing standards contained in the Council's SPD.

In terms of the amenity impacts on future occupiers of the proposed dwellings, the private rear garden areas would be in excess of 50 sqm, and suitable boundary treatments would be secured by condition.

The adjacent barn has previously been granted planning permission for conversion; however this consent has now lapsed.

Having regard to the above it is not considered that the proposal would be detrimental to neighbouring residential amenity as to warrant refusal of the application. The proposal would comply with Local Plan policy BE1 (Amenity).

Ecology

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

(a) 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

(b) No satisfactory alternative and

(c) No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE9 (Protected Species) development will not be permitted which would have an adverse impact on protected species or their habitats, unless mitigation / habitat creation is secured.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of bats and barn owls, no evidence of these species was recorded during the site survey. Whilst Great Crested Newts were identified as breeding in to 2 ponds, given the distance from the development and the small scale of the proposal, the Council's Ecologist is satisfied that the development is unlikely to have a significant impact upon this protected species.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan policy NE9 (Protected Species) and the Framework.

Other Matters

Asbestos on the shippon roof

This is not a material planning consideration and is covered by separate legislation.

Drainage

The Parish Council raise concerns regarding the inadequacy of the drainage system. It is noted that United Utilities raise no objection to the application and furthermore drainage would be covered by building control.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is contrary to Local Plan policy NE2 (Open Countryside), and therefore represents a departure to the Development Plan. In terms of paragraphs 47 and 49, the Council cannot demonstrate a 5 year housing land supply. Paragraph 14 details the Framework's presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. The application site is in close proximity to the Crewe Settlement Boundary with associated local amenities and public transport near by, and would be a sustainable form of development, in line with the Framework. The proposal is acceptable in design terms; is unlikely to have a significant impact on protected species interests; and does not raise any highways safety concerns. It is not considered that the proposal would have a significant adverse impact on neighbouring residential amenity. Having regard to the above the proposal is recommended for approval, subject to the following conditions:

1. Standard Time
2. Approved Plans
3. Details of materials to be submitted
4. Landscape scheme
5. Landscape implementation
6. Details of boundary treatments
7. Obscure glazing to side facing windows
8. Hours of construction
9. Details of pile driving and hours
10. Land contamination assessment

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Application No: 12/3415C

Location: SITE OF ELWORTH WIRE MILLS, STATION ROAD, SANDBACH, CW11 3JQ

Proposal: Change of use for entire site to residential use.

Applicant: Allister Boote

Expiry Date: 22-Jan-2013

SUMMARY RECOMMENDATION

Approve with Conditions and subject to the completion of a section 106

MAIN ISSUES

- Principle of Development
- Design and Layout
- Residential Amenity
- Impact on Highway Safety and parking
- Provision of Affordable Housing
- Provision of Open Space
- Impact on contaminated land
- Education Provision
- CIL Regulations

1. REASON FOR REFERRAL

This application is for outline planning permission for over 10 dwellings and is therefore a small scale major which is delegated to the Southern Planning Committee to make the decision.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is situated on the corner of Station Road and Hill Street in the settlement boundary of Sandbach. The site previously accommodated a Wireworks factory. However this has recently been demolished and the site cleared. The surrounding area is a mix of residential and commercial (largely sited on the opposing side of Station Road). The Sandbach railway station is also site on the opposite side of Station Road.

3. DETAILS OF PROPOSAL

This application seeks outline planning permission with all matters reserved for change of use of the site from commercial to residential.

An indicative site plan has been submitted with the application to show 37 units, comprising of two three storey apartment blocks with 11 x 2 bed flats and 1 x 1 bed flat in each, 7 x 3 bed town houses (2/3 storey) and 6 x 2-3 bed terrace units. The access is shown off Hill Street.

4. RELEVANT HISTORY

07/0994/FUL - Remove condition 04 of consent 04/0419/OUT & variation of S106 agreement to allow the replacement factory facility to either be constructed to practical completion stage or provided within an existing factory facility. – Approved with conditions 7th November 2007

04/0419/OUT - To redevelop redundant general industrial premises following demolition of existing buildings and clearance of site, by the erection of residential units which may include detached, semi-detached and terraced dwellings and apartments in single, two or multi-storey format. Numbers unknown at this stage. – Approved with conditions 10th April 2006

24004/3 - Extend existing portal frame building and install water storage platform. – approved with conditions 3rd March 1992

5. POLICIES

Regional Spatial Strategy

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

Local Plan Policy

PS4 Towns
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
H13 Affordable Housing and Low Cost Housing
E10 Re-use and 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
Cheshire East – Interim Planning Statement on Affordable Housing (2011)

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: The Strategic Highways Manager has assessed this application and raises no objection to the principle of the development and the proposed access. Comments note that the proposed parking is below the 200% required.

Environmental Health - No objections, subject to conditions for hours of construction, piling foundation and a method statement, a major development construction phase environmental management plan, noise mitigation plan to be implemented, dust control, and a phase II contaminated land survey.

United Utilities: No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system combining on site just prior to connecting into the public sewerage system with surface water flows limited to a maximum discharge rate of 60 l/s as determined by United Utilities.

Environment Agency: Standard advice – no objection

Network Rail: Make the following comments.

(1) Sandbach Railway Station S106 Developer Contribution

A developer contribution from the applicant could be used to fund either one or more of the following enhancements:

- improved waiting shelter on Manchester platform (approximate cost £25,000 to £30,000)
- help-points (approximate costs £15,000)
- Customer Information System (approximate costs £70,000)

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions or CIL contributions to fund such railway improvements.

(2) Underground Car Parking

The proposal also calls for underground parking. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Network Rail is required to recover all costs associated with facilitating these works. A Basic Asset Protection Agreement may be required to facilitate works on site.

(3) Other Asset Protection Issues

(a) Where vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

(b) Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land and cause flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

(c) All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times (24/7, 365 – around the clock) during and after the development. The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land. Both during construction works on site and after construction works are completed, and as a permanent arrangement, the development must not affect vehicles and pedestrians from accessing or exiting Sandbach Railway Station, this includes emergency vehicles.

(d) The **Noise Report states**, *“At the time of the monitoring, the principal source of noise was from road traffic on Station Road and Hill Street; railway noise was also present at times e.g. during lulls in the road traffic and at night. The site is located in a mixed residential and industrial area. Opposite the development site (W) the railway line servicing Sandbach railway station is located at approximately 62m from the development site at the closest position.*

Conclusions and recommendations

We would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

Network Rail would highlight the following:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
- There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.
- Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

Green Spaces: With reference to the plans for the erection of apartments and 2/3 bed houses, landscaping, provision of Public Open Space, Highway work and associated work, the following Streetscape comments and observations are made.

Please note that any calculations and figures provided in any previous proposals should be discounted, and the revised figures below that have been provided in accordance with the Interim Policy Note on Public Open Space should be referred to at all times.

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 Layout Plan, Drawing No. 11, dated August 2011) there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

In accordance with the D & A Statement the developer is providing 1173 square meters of POS on site. The amount required is 790 square meters therefore there is an over provision of 383 square meters for the development assuming none of this is incidental. As this is an outline application, there is little detail as to the layout, landscaping and design. Further detail as to the

landscaping proposals would be required to confirm it is fit for purpose thus ensuring no contributions would be required to improve offsite provision. All details are also required prior to accepting the maintenance.

If the POS provided on site is fit for purpose then in accordance with the Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance: £13,870.73

If the POS is not in line with the council's SPD (October 2003), NPPF and PPG17 companion guide the contributions for offsite provision would be required to increase the capacity at a identified sites (See D & A – 10.0 Open Space Assessment) close to the development.

Enhancement: £4,173.57

Maintenance: £9,341.75

Should the existing layout stay the same then consideration will need to be given to the maintenance of the on site provision and any boundaries within the development.

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 adopted local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

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

To meet the needs of the development, an opportunity has been identified for the upgrading of existing facilities at Elworth Park, Thornbrook Way or Gibson Crescent to increase their capacity. The existing facilities are varied containing some old equipment so quantitative improvements to the sites in the form of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP) would increase the sites capacity to accommodate an increase in users in the event that planning permission is granted.

There are several aspects of the sites that are considered unsatisfactory and mentioned in the Play Area Audit. Therefore the site would benefit from contributions towards upgrading and replacement items of play equipment within the existing sites, as well as the introduction of DDA inclusive equipment, which would improve the quality and accessibility of the facility and encourage greater use of the area.

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision, based on the Council's Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£ 7,050.89</u>
Maintenance:	<u>£22,984.50</u>

Streetscape would request that any enhancement contributions should not be 'time limited' so ensure maximum benefit to the new and existing community, thus enabling the 'pooling' of funds.

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.

7. VIEWS OF THE TOWN COUNCIL - Members regret the loss of industry but have no objection to development of the site. The Committee expressed concern regarding access from the proposed development onto Middlewich Road and call for significant enquiry and formulation of a plan for the management of traffic in Elworth, in view of all the development in the area. In addition, Members request the addition of a dedicated cycle lane and improvements to the pedestrian walkway on the former works, adjacent to Station Road.

8. OTHER REPRESENTATIONS

Letters of representation have been received from the occupants of, 2 residences. The main issues raised are;

- Generally happy with the plans,
- Queries where the three storey properties will be sited either adjacent to Hill Street or New Street
- Queries if any future street lighting is proposed,
- Removing the factory has had a positive impact on the light into rear elevations on New Street. Three storey properties would have a negative impact.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement Rev D

Affordable Housing Statement Rev A

Employment Statement

Noise Assessment

Phase I Contaminated Land Assessment

10. OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The development site is situated within the Sandbach settlement boundary where there is a presumption in favour of development provided it accords with the relevant general policies of the Local Plan. The proposal site is a former employment site and therefore Policy E.10 (Re-Use or Redevelopment of existing employment sites) notes that change of use of existing employment sites to non-employment uses will only be permitted where it is shown that the site is no longer suitable for employment use and there would be a substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

Notwithstanding the fact that the site was previously an employment site, the principle of residential development on the site has already been accepted by a previous application on the site 04/0419/OUT which granted outline permission for redevelopment for residential although no numbers were approved. This application was never implemented; however a later application was approved for retention of commercial use on the site. The site has been vacant for some time, and whilst the agent notes that the site has been marketed for employment use for over a year. Whilst, no details have been submitted with the application and the buildings have recently been demolished, this is an indication that the site is no longer suitable for employment use.

National Planning Policy

The proposed development of this site is solely for residential development, and the loss of the commercial element is regrettable. However, 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.”*

Consequently, it is considered that the contribution to housing land supply, is a substantial planning benefit and the above provisions of the NPPF outweigh any conflict with Local Plan Policy in terms of loss of commercial floorspace. Furthermore, the development of a brownfield site is a benefit in itself, and the site is situated in a sustainable location, which further accords with the NPPF.

The proposal is therefore considered to be acceptable in principle and the application turns on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

As this application is outline only with all matters reserved, the details submitted with the application are indicative only and therefore other matters of particular relevance in this case are the impact of the proposal on the character of the surrounding area in terms of the design and layout, amenity, contaminated land, access and highway safety, and affordable housing.

Design and Layout

The application site is currently vacant. The site had previously been occupied by a commercial premises known as Elworth Wireworks. The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on the three sides with commercial properties to the north west of the site.

The description of development specifically states '*Change of use for entire site to residential use*' and does not specify numbers. The application includes a proposed layout, which is only indicative and shows how 37 no. dwellings could be sited within the application site. The development is split up into 2 x 3 storey apartment blocks with 24 apartments, a row of 6no. 2 storey terrace properties and a row of 7no. 2/3 storey town houses. To achieve a development scheme of 37no. dwellings a similar layout to that proposed will be required. However, it is considered that the proposed indicative layout is unacceptable and the density will result in an over development of the site, which would be out of character with the surrounding area. It is therefore considered that a 20% reduction in the number of unit to 30 would create sufficient additional space for a high quality design and layout to be achieved. This can be secured by condition.

Residential Amenity

Amenity Spacing Standards

The surrounding development comprises a terrace dwelling to the north east of the site, a three storey apartment block to the north, a vacant area of land with residential permission to the southeast and a semi-detached dwelling. To the west of the site is a commercial premises and Sandbach Railway station.

The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation.

The proposal is in outline. However an indicative layout shows distances in excess of 21.3m from the rear elevations of the dwellings on New Street and the units denoted as 'B'. However, the parameters show these dwellings to be a mix of 2 and 3 storey town houses. There are no elevations with the indicative layout however it is considered that within the detailed application further consideration of this can be given.

The indicative plan shows a separation distance of 13m - 15m between block 'C' and the opposing dwellings on Hill Street. The floor plans appear to denote a kitchen at ground floor level, and

therefore unlikely to be a principal window and a distance of 13.7m would be acceptable. However, at first floor level it is presumed that the first floor windows would be bedroom windows. This would require a higher separation distance of 21.3m. As noted previously, this is an indicative plan and it is considered that this element could be designed out at detailed application stage.

The internal separation distances within the site also meet the SPG separation distances and is therefore acceptable.

Amenity Space

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. All of the proposed family dwellings will include at least 65sq.m of rear amenity space. However the apartments do not have any private amenity space but there are some small areas of communal amenity space which is considered to be acceptable in this instance.

Therefore, the minimum standards set out in the Council's Supplementary Guidance would mostly be exceeded in respect of distances to existing properties and between dwellings, and in cases where they are not met issues could be adequately addressed at reserved matters.

Noise

The application site is sited immediately adjacent a commercial premises and Sandbach Railway Station. A noise assessment has been submitted with the application and the Environmental Health department have noted that the report recommends mitigation designed to ensure that the occupants of the proposed properties shall not be adversely affected by noise from Station Road and the Crewe to Manchester railway line. Therefore it is considered to be necessary to condition that the mitigation recommended in the report referenced E889. Elworth. Noise Report submitted by SBM Safety Solutions shall be implemented prior to the use of the development or first occupation.

With regard to the impact of the proposed development on neighbouring properties during construction a series of conditions relating to construction hours, and pile driving are suggested.

Impact on Highway Safety and Parking

This is an outline planning application for approximately 37 residential units with access taken from Hill Street in the form of a priority junction and 150% parking provision across the site. This site has previously been used for industrial and is considered to be a brownfield site. As this is an outline application, the issue to be determined is the principle of development, although the applicant has submitted details of the internal layout of the site and parking provision. With regard to the principle of residential development on the site, the Strategic Highways Manager (SHM) has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being reused for industrial use. The SHM considers that the access to the site is acceptable as a priority junction and does provide adequate visibility.

However, as previously indicated the applicant has provided details of the house types and numbers to be constructed and also parking at 150%. Should this layout come forward in a reserved matters application, the Strategic Highways Manager has raised concerns regarding the lack of parking provision, as the current requirement would be 200% for all the units with the

exception of the one bed apartment that could have 100% provision. It is therefore noted that the current scheme is not acceptable in terms of parking provision but given it is an indicative layout this can be dealt with as part of a more detailed application. The proposed reduction in units would assist in creating an acceptable balance between design and parking provision. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

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. The general minimum proportion of affordable housing for any site will be 30% of the total units, with a tenure split in line with that identified from the Strategic Housing Market Assessment, which equates to 65% social rented and 35% intermediate tenure. The Council have looked into affordable rent levels in Cheshire East and in this area, in particular and determined that affordable rent would be acceptable as well as social rent.

The Affordable Housing Statement Revision A gives an indicative scheme of 37 dwellings made up of 2 x 1 bed, 22 x 2 bed apartments and 7 x 3 bed townhouses and 6 x 2/3 bed houses which matches the indicative scheme in the D and A Statement.

Elworth Wire Mills is located in Sandbach and the Strategic Housing Market Assessment identified a need for 75 new affordable homes in Sandbach each year between 2009/10 – 2013/14, made up of a need for 21 x 1 beds, 33 x 2 beds, 7 x 3 beds, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation. In addition to this there are also 90 applicants on the waiting list with Cheshire Homechoice who have selected Elworth as their first choice and require 17 x 1 beds, 40 x 2 beds, 23 x 3 beds and 4 x 4 beds (6 have not specified bedrooms needed).

As this is not a full planning application the information about the affordable housing offer by the applicant is limited to provision of 30% of the total housing to be affordable, with a tenure split of 65% rented affordable homes and 35% shared ownership dwellings with indicative unit types.

The affordable housing statement indicates the affordable housing provision would be 2 x 1 bed apartments, 8 x 2 bed apartments and 1 x 3 bed houses. This mix of affordable housing would be acceptable to contribute towards meeting some of the affordable housing need in Sandbach. The tenure split proposed in section 4 of the report would be acceptable. However, the Housing Officer states that, rather than specify shared ownership, the 35% should be provided as a form of intermediate tenure which allows more flexibility.

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 and the affordable housing should be provided no later than occupation of 50% of the open market dwellings. This can be dealt with at reserved matters and through the S106 respectively.

Section 5 of the Affordable Housing Statement Revision A sets out valuation parameters of the affordable housing being discounted from the open market value and suggests that all the affordable dwellings are sold at 70% of open market value. This appears to be a sufficient

discount for the intermediate dwellings if they are provided as some form of discounted for sale or shared equity properties. However this discount may not be sufficient in respect of the amount a Registered Provider could pay for the affordable dwellings in order to deliver them as social or affordable rent.

The Housing Officer therefore suggests that any reference to the valuation in the s106 agreement should state that the intermediate affordable dwellings are sold at no more than 70% of open market value and any rented affordable dwellings are sold at a value agreed between the developer and Registered Provider (RP) which will enable the RP to deliver the properties as social or affordable rent.

In summary, the affordable housing requirements could be secured through a Section 106 Agreement, with the detailed layout approved at reserved matters stage. Any Section 106 agreement would state that the scheme will provide 30% of the total housing to be affordable, with a tenure split of 65% rented affordable homes and 35% shared ownership dwellings with indicative unit types and that the affordable housing should be provided no later than occupation of 50% of the market units.

Open Space

Local Plan Policy GR22 and SPG1 require the provision of Public Open Space on new developments. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

The applicant notes that there will be public open space provided within the site but that no children's play space provision will be provided on site. The applicant proposes to provide a contribution in lieu of onsite children's play space.

The Greenspaces Officer has stated that the D & A Statement states that the developer is providing 1173 square meters of public open space on site. The amount required is 790 square meters therefore there is an over provision of 383 square meters. The reduction in numbers on the site could help to further increase this amount on the site; this can be dealt with under the reserved matters stage. The Greenspaces Officers has requested a maintenance contribution of £13,870.73, however this is not standard practice as the Council does not usually adopt public open space. It is therefore considered that a Management Company should be used to maintain the land and this can be secured through the Section 106 Agreement.

Furthermore, the Greenspaces Officer notes that there is a deficiency in the quantity of provision of Children and Young Persons Provision in the area. The proposal includes no provision for children's play space and therefore a contribution towards upgrading the existing facilities at Elworth Park, Thornbrook Way or Gibson Crescent is required. The existing facilities are varied containing some old equipment so quantitative improvements to the sites in the form of additional equipment to bring the facility up to a Local Equipped Area for Play (LEAP) would increase the sites capacity to accommodate an increase in users in the event that planning permission is granted. It is considered that a contribution towards upgrading an existing

children's play space is acceptable and the contribution of £7,050.89 to enhance the site and £22,984.50 for maintenance can be secured through a Section 106 agreement.

Contaminated Land

A Phase I Contaminated Land Study has been submitted to support the application. The Environmental Health Contaminated Land Officer has considered the supporting documentation and considered that the report is suitable, although a Phase II report will be required. As the proposal is for a sensitive end use a Phase II investigation is considered to be a reasonable requirement. This can be secured by condition.

Education Provision

The Education Department has noted that the proposal will generate a significant number of new primary and secondary aged children. However the comments received related to an early proposal for 60 units. This indicative plan shows only 37 units and therefore further comments are required to confirm the required contribution. An update to the Committee will be made with the total contributions required.

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 development would result in increased pressures on local schools which are already at capacity. The education contribution is therefore required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed improvements to the Elworth Park, Thornbrook Way or Gibson Crescent to increase capacity would provide upgrades to the nearby Childrens Play Space in lieu of provision on site as required by policy. It is considered to be necessary and fair and reasonable in relation to the development.

As explained within above, affordable housing is a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

Network Rail is also requiring a contribution towards improvement of the station due to the increase in usage from this development and other significant development within the area. It is considered that this is an unreasonable contribution requirement and it is not directly related to the development given the relatively small size. It is therefore recommended that it does not form part of the section 106 agreement contributions as it would not meet the requirement of the CIL Regulations.

11. CONCLUSIONS

The application site is situated within the Sandbach settlement boundary and therefore the principle of development is acceptable. It is considered that the indicative layout is not acceptable but an improved scheme can be attained at reserved matters stage. It is considered that there are no amenity or highway safety issues arising from the outline application. It is also considered that the proposed development, as conditioned, is acceptable in all other respects.

12. RECOMMENDATIONS

APPROVE subject to the following conditions and the satisfactory completion of a **S106 Agreement** comprising;

Heads of terms

- **A provision of 30% affordable housing to be provided with a tenure mix of 65% affordable social rent and 35% intermediate tenure**
- **A contribution towards local education provision £48,809 for Primary provision and £57,200 for Secondary provision (TBC)**
- **A commuted sum in lieu of onsite children's play space of £7, 050.89 for enhancement and £22,984.50 for maintenance**
- **Management Company for onsite amenity space**

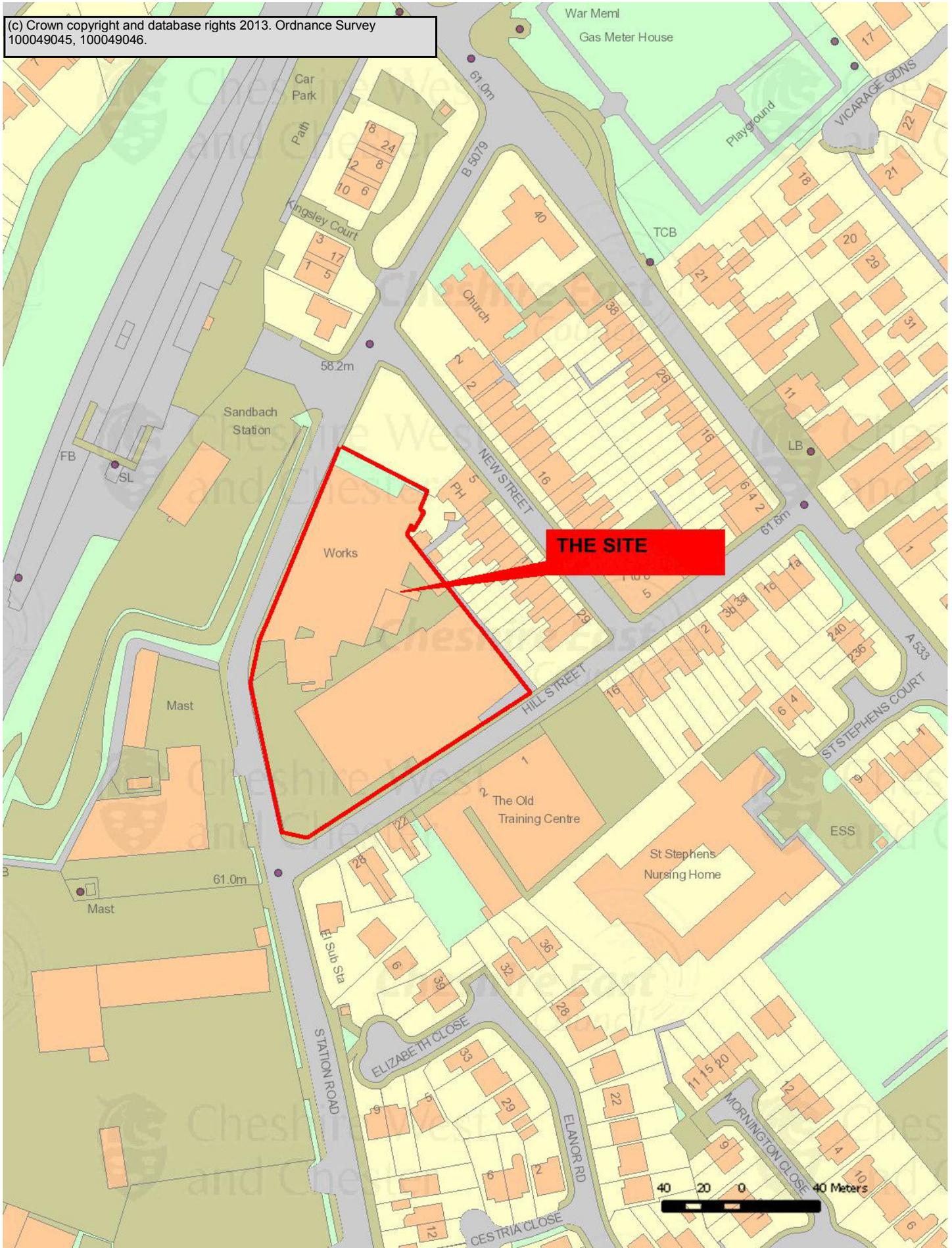
Conditions;

- 1. Standard outline time**
- 2. Reserve matters time**
- 3. Submission of access, appearance, landscaping, layout and scale (all reserved matters)**
- 4. Number of unit limited to 30**
- 5. Remove PD Rights for extensions and alterations to the approved dwellings, and outbuildings**
- 6. Drainage scheme to be submitted and approved in writing**
- 7. Development to be carried out in accordance with noise mitigation report**
- 8. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays**
- 9. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays and method statement**
- 10. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 11. A major development construction phase environmental management plan**
- 12. Dust Control**
- 13. Ground levels to be submitted**
- 14. Approved plans**
- 15. Provision of cycle parking**
- 16. Provision of bin storage**

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 Planning and

Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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Application No: 12/3727N
Location: Manor Orchard, FLOWERS LANE, LEIGHTON, CREWE, CW1 4QR
Proposal: Outline application for residential development
Applicant: D and S Wood
Expiry Date: 03-Dec-2012

SUMMARY RECOMMENDATION

Approve subject to conditions and S106 Agreement to secure Affordable Housing

MAIN ISSUES

Principle - Open Countryside
Design – Siting and Layout
Amenity
Highways
Ecology
Affordable Housing

Reason for Referral

The application has been referred to Southern Planning Committee as the proposal represents a Departure from the Development Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of a triangular shaped plot at the roundabout junction of Flowers Lane / Minshull New Road / Bradfield Road / Smithy Lane. The site is grassed and relatively open with the presence of some timber sheds / outbuildings. The site is situated adjacent to the Crewe Settlement Boundary, but is designated Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

DETAILS OF PROPOSAL

The application seeks outline planning permission for residential development with all matters reserved. The indicative plans show varying options of between 3 to 4 dwellings.

RELEVANT HISTORY

P02/0273 Erection of Agricultural Buildings (Approved with conditions 30th May 2002)

P99/0524 Hay barn and implement shed (Approved with conditions 5th July 1999)
P92/0786 Outline application for 2 number dwellings (Refused 23rd October 1992)
7/15596 Outline application for detached bungalow (Refused 7th July 1988)
P95/0498 Outline application for a dwelling (Refused 28th July 1995)
P93/0869 Outline application for residential development (Refused 9th December 1993)

POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE2 (Open Countryside)
NE5 (Nature Conservation and Habitats)
NE9 (Protected Species)
RES5 (Housing in the Open Countryside)
BE1 (Amenity)
BE2 (Design)
BE3 (Access and Parking)

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways:

No objection.

Environmental Health:

No objection subject to the following conditions:

1. Land contamination assessment
2. Hours and details of any pile driving:
Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Nil
3. Hours of construction:
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil
4. A scheme to minimise dust emissions arising from construction activities
5. Noise mitigation scheme

United Utilities:

No objection.

Ecology:

No comments received at time of report preparation.

VIEWS OF MINSHULL VERNON & DISTRICT PARISH COUNCIL

No comments received at time of report preparation.

OTHER REPRESENTATIONS

At the time of report preparation an objection has been received from the adjacent property known as Manor House. In summary the objection relates to the following issues:

Overlooking to Manor House

Affect on daylight and evening sun

Flow of traffic on the access road and if it is wide enough for emergency vehicles

Provision of off-road parking

Existing access road does not relate to the one shown on the OS and the application plans

Access to Flowers Lane - the roundabout is one of the busiest in the area serving Leighton Hospital, Bentley and commuter traffic into Crewe

No pavement on Flowers Lane leading to or from the proposed exist which would prove hazardous to pedestrians particularly young mothers or disabled persons

What are the intentions for the unmarked building on the boundary of Manor House – is this a further residential dwelling

What sewage facilities will be provided for the development?

The orchard is a haven for wildlife; bats are often seen flying around. Will the development be detrimental to their habitat?

OFFICER APPRAISAL

Principle of Development

Local Plan Policy

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE2 (Open Countryside) states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The policy does however states that an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

National Planning Policy Framework

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.”*

Consequently, the application turns on whether the development is sustainable and if any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. Whilst the site is situated within the Open Countryside, the proposal would result in an extension of the existing built form around the junction. Furthermore outline planning permission has also been granted (subject to S106) for large-scale residential development adjacent to the site under planning reference 11/1879N. The site is also situated adjacent to the Crewe Settlement Boundary and in proximity to the local amenities on offer within Leighton and the surrounding locality. There is also a small shop selling basic convenience goods within the garden centre at Bradfield Green. The local bus service into Crewe also operates in close proximity to the site. As a result the proposed development is considered to be sustainable and the principle is accepted.

Affordable Housing

The site is located within Leighton Parish and in accordance with the IPP on Affordable Housing a minimum of 35% affordable housing will be required. This will equate to 1No unit and at the time of writing this report negotiations were continuing regard the tenure of the unit. This will provide a mix of housing and will contribute to affordable housing need within the Parish. This will be provided in an update.

Highways

The Strategic Highways Manager has no objection to the revised proposal and as such it is considered that the development would accord with Local Plan policy BE3 (Access and Parking).

Design

The application is outline with all matters reserved, however indicative layout plans have been provided with the application which shows three options of: (i) two pairs of semis (ii) two detached dwelling and one pair of semis (iii) three detached dwellings. The plans show that up to 4No dwellings can be accommodated on site and given the existing adjacent properties and the residential estate permitted under 11/1879N (subject to S106) the development would be seen in this context as opposed to isolated dwellings in the Open Countryside. Detailed design and landscaping would be subject to a reserved matters application.

Amenity

A key consideration in the determination of the application is the impact of the proposal on neighbouring residential amenity.

Manor House is a semi-detached property situated adjacent to the application site. This property benefits from planning permission for a two storey side extension. No principal windows are proposed to the side elevation of this extension and the plans demonstrate that proposed dwellings could be set in from the common boundary. Nonetheless, given the absence of principal windows, there would be no overlooking or loss of privacy impacts to habitable rooms. If the extension was not constructed, a greater separation distance would be achieved between the side elevation of Manor House and the proposal, and again no principal windows would be affected. As the proposed development would be sited to the northwest of this property there would be no significant impacts of loss of light or overshadowing.

In terms of the adjacent development permitted under 11/1879N, an acceptable separation distance could be achieved between dwellings, and furthermore the siting and layout of the proposal contained in this application will be agreed at the reserved matters stage.

With regard to the amenity impacts on future occupiers of the proposed dwellings, private rear garden areas in excess of 50 sqm can be achieved per dwelling. The indicative site layout plans also show that there would be no other significant impacts on future amenity.

The proposal would comply with Local Plan policy BE1 (Amenity).

Ecology

No comments have been received from the Council's Ecologist and these will be provided by update.

Highways

It is noted that the neighbour objection refers to the site access, roundabout junction, lack of pavement, access for emergency vehicle and parking provision, however the Strategic Highways Manager raises no objection to the application. It is therefore considered that the proposal is acceptable in highways safety terms. The parking layout would be secured in a reserved matters application.

Other Matters

Drainage

The neighbour objection questions the type of sewage facilities proposed, however this would be covered by Building Control and it is noted that United Utilities raise no objection to the application.

Plans

The neighbour objection refers to the OS plans and the application not relating to the existing access. Photos have also been submitted. From the site visits however, the plans however appear to correlate with existing site arrangements and aerial photographs on googlemaps.

Existing building to be retained

The application does not seek consent to change the use of this building to residential accommodation and as such this cannot be considered as part of the application.

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.

As explained within the main report, affordable housing, is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is contrary to Local Plan policy NE2 (Open Countryside), and therefore represents a departure to the Development Plan. In terms of paragraphs 47 and 49, the Council cannot demonstrate a 5 year housing land supply. Paragraph 14 details the Framework's presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. The application site is in adjacent to the Crewe Settlement Boundary with associated local amenities and public transport nearby, and would be a sustainable form of development, in line with the

Framework. The plans demonstrate that between 3 to 4 dwellings can be accommodated on site, and there would be no adverse amenity impacts. The proposal is also acceptable in highways safety terms.

Recommendation: Approve subject to the proposal being satisfactory in ecological terms and subject to the following:

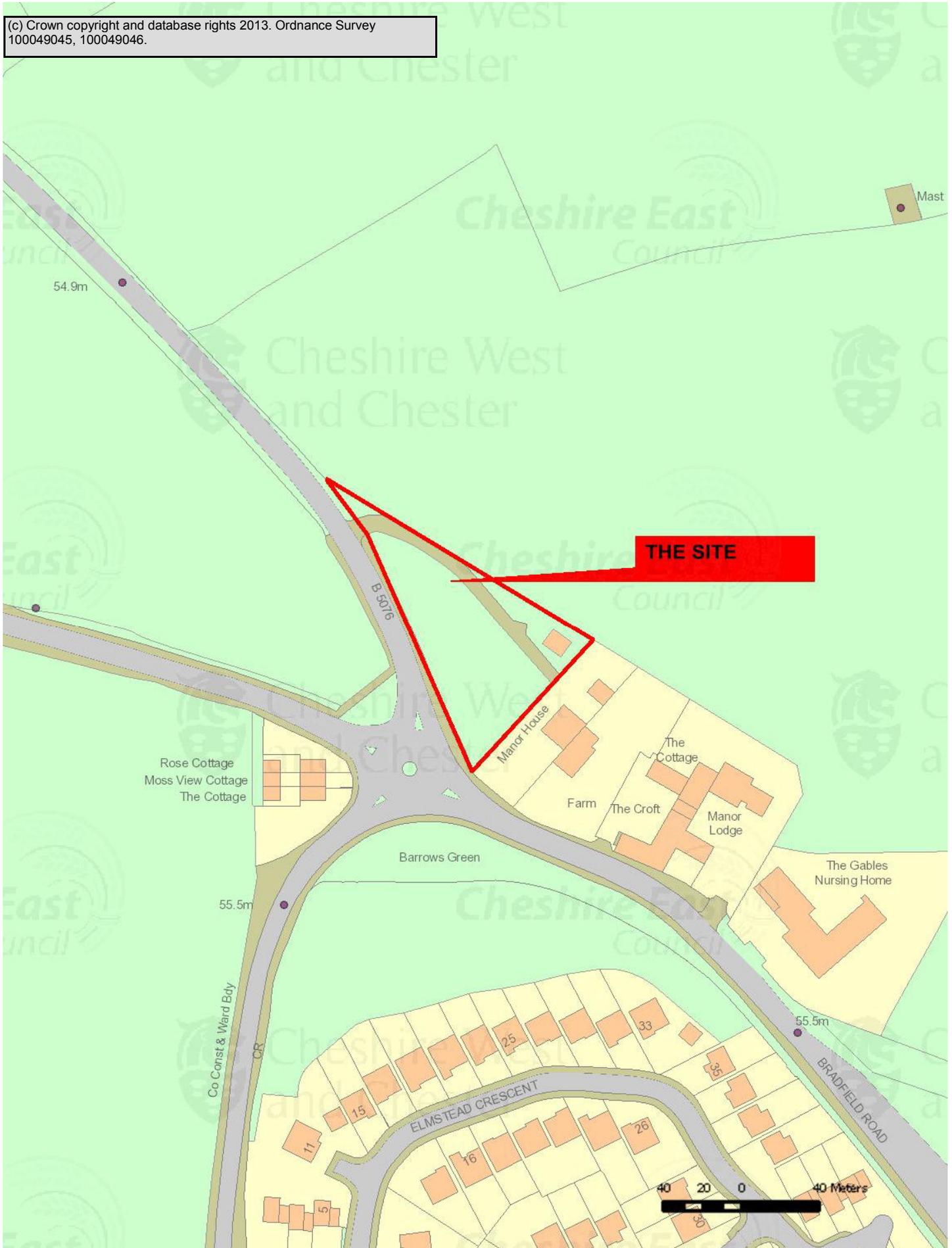
The completion of Section 106 legal agreement to secure the following:-

1. A scheme for the provision of 1 affordable housing unit
 - The type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

And the following conditions:

1. Time
2. Time for Reserved Matters
3. Approval of Reserved Matters
4. Approved Plans
5. No principal windows to side facing elevation adjacent to Manor House
6. Hours of construction
7. Hours of any pile driving activities
8. Retention of Hedgerow boundary to Flowers Lane
9. A scheme to minimise dust emissions arising from construction activities
10. Noise mitigation scheme
11. Maximum of 4No dwellings

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Application No: 12/4082C

Location: TALL ASH FARM TRIANGLE, BUXTON ROAD,
CONGLETON, CHESHIRE, CW12 2DY

Proposal: Construction of three new residential dwellings (Resubmission of
Application Reference 12/0106C)

Applicant: P, J & Ms M Hudson

Expiry Date: 19-Dec-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact upon a Public Right of Way
- The impact upon protected species
- The impact upon trees

REASON FOR REFERRAL

The Cheshire East Council's Scheme of delegation advises that for '*applications involving a significant departure from policy which a Planning Committee is minded to approve*' should be referred to Strategic Planning Board for determination. As this development is for new dwellings in the Open Countryside, it does represent a departure from local plan policy. However, given that the proposal relates to just 3 units and lies adjacent to a large new housing development currently under development, it is not considered to be a **significant** departure. As such, the application has been referred to Southern Planning Committee as a departure from policy only.

At the Southern Planning Committee meeting held on 12th December 2012, members resolved to defer this application for consideration/update on revised plans.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a triangular shaped field on the southern side of Buxton Road (A54), Congleton within the Open Countryside.

DETAILS OF PROPOSAL

Full Planning permission is sought for the erection of 3 detached dwellings.

RELEVANT HISTORY

12/0106C - Construction of Three New Residential Dwellings – Withdrawn 15th February 2012

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR20 – Public Utilities

H1 & H2 - Provision of New Housing Development

H6 – Residential Development in the Open Countryside and the Green Belt

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation (Statutory Sites)

Other Material Considerations

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments.

The Cheshire East Council Interim Planning Policy on the release of Housing Land (2011).

Cheshire East Strategic Housing Land Availability Assessment (SHLAA) 2010.

Cheshire East 2010 Strategic Housing Market Assessment (SHMA).

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to a condition regarding the prior submission of plans showing the linkage of the proposed new access to the existing kerb line and a condition ensuring that the access to the site is completed prior to the first occupation of the new dwellings.

An informative advising that the applicant needs to enter into a Section 278 Agreement with the Highways department is also suggested.

Environmental Health – No objections subject to a number of conditions including; the prior submission of details of the site compound, hours of construction, pile foundation hours and method statement and a contaminated land informative.

United Utilities – No objection, subject to informatives

Public Rights of Way – No objections, subject to a condition regarding interference with the public right of way.

VIEWS OF THE TOWN COUNCIL:

Congleton Town Council – No objections, subject to highways satisfaction

OTHER REPRESENTATIONS:

3 neighbouring properties have submitted letters of objection. The main concerns are that the;

- Proposal is contrary to the Local Plan 'Open Countryside' policy
- Proposed development site is not sustainable
- Proposal would set a precedent for further piecemeal development
- Proposed development would not respect the character of site or the surrounding properties
- Highway / public safety in terms of the new access proposed

In addition to the above concerns, it has been recommended that certain permitted development rights be removed in order to protect the neighbouring amenity.

SUPPORTING INFORMATION:

Planning Statement
Design and Access Statement
Sustainability Statement
Access arrangements & associated technical note
Environmental Survey
Land contamination questionnaire
Utilities / drainage maps

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside. Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted in the Open Countryside if it falls within one of a number of categories including;

- Agriculture and Forestry
- Facilities for outdoor sport, recreation & tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6

- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

The proposed development is for the erection of 3 new detached dwellings and as such, is subject to Policy H6 as per above. Policy H6 of the Local Plan advises that residential development within the open countryside will not be permitted unless it falls within one of the following categories;

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

As the proposal fails to fall into any of these categories, the development is deemed to be contrary to the Local Plan. Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". Accordingly the previous application for development of this site (12/0106C) was refused.

Since, the determination of this application, the National Planning Policy Framework (NPPF) has been published, which is an important, new, material consideration. Paragraph 49 of the NPPF 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 to deliverable housing sites.*'

Given that Cheshire East Council cannot currently demonstrate a five-year supply of deliverable housing sites, the relevant policies in the Local Plan cannot be considered up-to-date, and as such the original determination that the application was contrary to Policy H6 and therefore PS8 no longer apply.

Paragraph 14 of the Local Plan advises that for decision making, the presumption in favour of sustainable development means '*Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless...specific policies in this Framework indicate development should be restricted.*'

Paragraph 55 of the NPPF refers in new housing development in the countryside. Paragraph 55 advises that '*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities...Local planning authorities should avoid new isolated homes in the countryside...*'

As such, the Framework restricts new housing in the countryside if it is deemed to be isolated. As a result, the acceptability in principle of this application turns on whether the proposed development site is considered to be isolated or unsustainable.

On page 6 of the applicants Sustainability Statement, it has been advised that the North West Development Agency accessibility toolkit has been used which advises the desired distances to local amenities. It is advised that the site lies within the recommended distances for: A Post Office, Cash Point, Primary School, Leisure Facilities, Public House and Bus Stop. It is also advised that a *'...medical centre, pharmacy, public car park and childcare facilities are available in Congleton Town Centre and therefore can be easily reached via the bus route from Buxton Road.'* It is further pointed out that a larger housing scheme further away from these facilities has not long gained approval (08/1317/OUT and 11/0471C). The Sustainability report also details the Social, Environmental and Economic benefits of the proposal, the 3 pillars of sustainability, under the NPPF.

With regards to Social benefits, page 7 of the Sustainability Report advises that the development site is within close proximity to a canal and the countryside which brings aesthetic and leisure benefits. Furthermore, it is advised that the development would sustain local businesses, community facilities and public services.

In terms of Environmental benefits, it is advised on page 8 of the Sustainability Report that due to the location of the site, and its transport links, it would promote the reduction of use of the private car. It is advised that the dwellings themselves *'...promote and encourage energy efficiency by providing well insulated, double-glazed housing...'* Furthermore that *'Where possible, natural resources will be used in the design, prudently sourced and where achievable, materials will be sourced locally, reducing the carbon footprint of transportation...'*

With regards to biodiversity, the applicant proposes to retain the existing trees where possible and provide new trees where retention is not possible.

Economically, it is advised that the increased population the development would bring would boost the 'vitality and viability' of both Buglawton and Congleton.

Although this proposal is located on a site classed as 'Open Countryside', it is contrary to Policy H6 and therefore the overarching Policy PS8 of the Local Plan. However, given that the NPPF places greater emphasis on sustainability above all other matters, which it is considered that this site would be, the development is considered to be acceptable in principle.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space provided for the new dwellings would be satisfactory.

The three neighbouring properties to the development site are No.106 Buxton Road, which would be approximately 11.8 metres to the southwest of House No.3, No.93 Buxton Road, which would be approximately 24 metres to the northwest of House No.3 and No.110 Buxton Road which would be approximately 13.8 metres to the east of House No.1.

With regard to the impact upon No.106 Buxton Road, on the side elevation of House No.3, which would be the closest house to this neighbour, there is a ground floor door to a dining room and a first floor bathroom window proposed. Between House No.3 and this neighbour at present is a conifer hedge that is approximately 2 metres tall. On the relevant side elevation of No.106 Buxton Road is small a secondary window to a lounge. Due to the 11.8 metre separation distance, the existing boundary treatment and because the only window that would be impacted on this neighbouring property would be a secondary lounge window, it is not considered that the ground floor door would create any issues for this neighbour in terms of privacy. In order to prevent any overlooking into this neighbour's private amenity space, it is proposed that the first floor bathroom window be obscurely glazed, secured via condition, should the application be approved. With reference to loss of light, because this neighbour is positioned to the northwest of the closest proposed dwelling, it is not considered that any loss of light would be created to this side. In relation to visual intrusion, because the only window on the relevant side elevation of No.106 Buxton Road would be a secondary lounge window, which would be over 11 metres from the development and would be screened by an existing conifer hedge, it is not considered that the proposal would be visually intrusive for this neighbour.

With regards to the impact upon No.93 Buxton Road, because the closest proposed unit to this neighbour would be approximately 24 metres away, it is not considered that any amenity issues would be created to this side.

With regards to the impact upon No.110 Buxton Road, on the side elevation of House No.1, which would be the closest house to this neighbour, there is 1 ground window proposed. This window would serve as a secondary sitting room window.

Between House No.1 and this neighbour at present is a hedge and fence approximately 1.2 metres tall. On the relevant elevation (principal elevation) of No.110 Buxton Road are 7 openings. These include 2 first floor windows, 4 ground floor windows and a door. One first floor window serves a bathroom, whereas the other window is a secondary bedroom window. At ground floor level, there is a workshop window, a utility room window, a W.C window, a front door and a dining room window. It is advised within SPG2 that between a flank elevation and a main window, a gap of 13.8 metres should be achieved. This gap is achieved in this instance; furthermore, the most impacted windows on this neighbouring dwelling, the windows that would directly face the flank elevation of House No.1, currently serve a workshop, a utility room and a bathroom, all of which are not considered to be principal habitable rooms. As such, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy or visual intrusion. With regards to loss of light, because the closest dwelling would be to the west of this neighbour, there is potential for a loss of light to be created to this side towards the end of each day. However, the main habitable windows to the property would be to the southeast of House No.1 and as such, would not be impacted. As a result, it is considered that the proposal would not detrimentally impact this neighbour by reason of loss of light.

There would be no other amenity issues created to any other sides.

In order to protect the amenities of the closest neighbours to the proposal, Environmental Health have proposed a number of conditions including; the prior submission of details of the site compound, hours of construction, pile foundation hours and method statement and a contaminated land informative. Subject to these conditions, it is considered that the development would adhere with Policy GR6 of the Local Plan.

Design and Layout

The proposal is for 3 detached, two-storey, 4-bedroom dwellings which would all front onto Buxton Road.

- House 1 would be positioned approximately 19 metres to the south of Buxton Road and would have a footprint of approximately 93 metres squared and would have a hipped roof approximately 8.1 metres in height.
- House 2 would be positioned approximately 19 metres to the south of Buxton Road, would have a footprint of approximately 103 metres squared and would have a part dual-pitched / part cat slide roof approximately 7.8 metres in height.
- House 3 would be positioned approximately 7 metres to the south of Buxton Road, would have a footprint of approximately 95 metres squared and would have a dual-pitched roof approximately 7.7 metres in height.

With regards to the scale of the surrounding units, No.106 Buxton Road has a footprint of approximately 95 metres squared, No.93 Buxton Road has a footprint of approximately 76 metres squared and No.110 Buxton Road has a footprint of approximately 124 metres squared. Therefore the range of footprint of the surrounding units is from 76 metres squared to 124 metres squared. As all 3 of the proposed units would fall within this footprint range, the scales of the dwellings are deemed to be acceptable.

All 3 units have a height of 8.1 metres or below. Planning history searches show that No.106 Buxton Road to the west of the site has a height of 9.5 metres and No.110 Buxton Road has a height of approximately 7.5-8 metres. No.93 Buxton road, across the road from the site is a two-storey property located in an elevated position and No.97 Buxton Road is a split level bungalow. As such, considering this variation in heights in surrounding properties, the heights of the dwellings proposed are considered to be acceptable.

In relation to materials, the specifics of these have not been detailed and as such, should the application be approved, it is recommended that a condition be added to the decision notice requesting that materials be submitted for subsequent approval.

Subject to suitable materials being secured by condition, the proposed layout and design of the development is considered to be in compliance with Policy GR2.

Highways and Parking

The Strategic Highways Manager originally raised concerns about the proposal. No turning facility was to be provided which would have required visitors and deliveries to reverse back onto the main road to exit the site. There was no safe parking opportunity on Buxton Road

given the level of traffic and the blind summit. In addition, the proposed site plan showed a very tight entry and exit radii which would have been unacceptable for movements off a busy 40pmh road as they would involve vehicles braking almost to stop to enter the site.

As a result of these comments, a revised layout scheme was provided to address these issues. In response to this revised plan, the Strategic Highways Manager has advised that *'I am happy with the layout shown on the updated drawing 792 - FO1A in principle. However, there is a complication in that it the kerb line it is shown tying into is not the existing one, but one that forms part of the S278 agreement for the housing site further east on Buxton Road (11/0471C) approved recently. I am not sure whether this S278 scheme has yet been approved or for that matter could be delivered, as whereas it involves building out the footway along the frontage of application 12/4082C, further east it involves taking land from the frontage of Tall Ash Farm which may not be under the control of the other applicant. The portion of realigned footway between the proposed entrance and that to the farm cannot be provided unless the widening further east is also provided. However, given the existence of a footway along the frontage of application 12/4082C at the moment, there is no reason why it should not proceed by tying into the existing kerb line, provided the applicant provides adequate visibility splays of 2.4m by 90 metres in either direction, which is perfectly possible. This would still be compatible with the widening proposals for 11/0471 should that proceed.*

I would recommend that the applicant be requested to show these sightlines on a revision of drawing 792 - F01A and add a note to it that the kerb radii tie-in on the eastern side is to the existing kerb line. To the west of the site entrance the present mix of verge and footway within the highway boundary should be replaced by a full-width footway, as shown on their drawing.'

As a result of these comments, the Strategic Highways Manager proposes two conditions. One would be that a detailed suite of plans showing the access and junction with Buxton Road have been submitted and approved in writing by the Local Planning Authority. The second would be that the access to the development site must be completed prior to the first occupation of the dwellings. An informative advising the applicant to enter into a Section 278 agreement under the Highways act is also suggested. As such, subject to these conditions, it is now considered that the proposed development adheres with Policy GR9 of the Local Plan.

Landscaping and Trees

The Council's Landscape Officer originally advised that insufficient information had been submitted in order to fully assess the impact of the development upon trees. It was advised that a topographical survey, soil assessment, tree survey, tree categorisation, tree constraints and root protection areas identified to influence design, an Arboricultural Impact Assessment and an Arboricultural Method Statement were required.

In light of this information, the applicants submitted much, but not all of the required data. In response, the Council's Forestry and Landscape Officer advised that *'The additional arboricultural information indicated that the dwelling on plot three would be outside the crown spread of adjacent trees but would encroach into a section of the root protection area of one specimen. The applicant's arboricultural consultant judges this encroachment to be acceptable, subject to tree protection measures. On the basis of the submitted information, subject to a condition requiring adherence to the tree protection measures proposed, I do not*

consider there are arboricultural grounds to refuse the application. I remain of the view that it would be advisable to secure details of proposed levels.'

As such, subject to the conditioning of tree protection and levels, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

Ecology

The Council's Nature Conservation Officer originally advised that insufficient information had been submitted in order to fully assess the ecological impacts of this development. It was advised that an Extended Phase 1 Habitat Survey, a desk based study, a great Crested Newt Survey/assessment, mitigation proposals and proposals for ecological enhancement were required. In light of this information, the applicants submitted the required data.

In response, the Council's Nature Conservation Officer advised that the submitted ecological assessment was acceptable and he does not envisage there being any significant ecological issues associated with the proposed development. The applicant's ecologist does however suggest that bat boxes are incorporated into the development and as such, a condition requiring such features is proposed should the application be approved.

As such, subject to this condition, it is considered that the proposal adheres with Policy NR2 of the Local Plan.

Right of Way

The Council's Public Rights of Way (PROW) Officer originally objected to the application due to a lack of information. This additional information was subsequently submitted and was deemed to be acceptable by this consultee subject to a condition regarding the developer's obligations. It is recommended that this be added as an informative. As such, subject to this informative, it is considered that the development would adhere with Policy GR16 of the Local Plan.

CONCLUSIONS

In conclusion, although the development is contrary to the Congleton Borough Local Plan First Review 2005 Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside and the Green Belt), it adheres with the NPPF.

Whilst the proposal represents a departure from the development plan, there are 'other material considerations' in the form of housing land supply and conformity with the NPPF which would outweigh the proposals non-compliance with relevant local plan policies.

It is considered that the proposed development is of a suitable design, located in a sustainable location which would not have a detrimental impact upon neighbouring amenity, highway safety, public rights of ways or protected species. As such, the proposed development adheres with the following policies within the Congleton Borough Local Plan First Review 2005: GR1 (General Criteria for Development), GR2 (Design), GR4 (Landscaping), GR6 (Amenity and Health), GR9 (Highways & Parking), GR16 (Footpath, Bridleway and Cycleway Networks), GR20 (Public Utilities) and NR2 (Wildlife and Nature Conservation (Statutory Sites)).

RECOMMENDATION:

APPROVE subject to the following conditions

1. Time (Standard)
2. Plans
3. Details of materials to be submitted
4. Hours of construction
5. Hours of piling
6. Piling method statement
7. Prior submission and approval of site compound position
8. Landscaping (details)
9. Landscaping (Implementation)
10. Boundary treatment
11. Obscure glazing (House 3 – First Floor bathroom window on western elevation)
12. Construction management plan
13. Drainage
14. Levels
15. Tree protection adherence
16. Incorporation of bat box features
17. Plans showing access arrangements onto Buxton Road
18. Prior to first occupation development of the new access must be completed.

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Application No: 12/4530C
Location: 38, CONGLETON ROAD NORTH, CHURCH LAWTON, ST7 3BA
Proposal: Proposed two house building plots
Applicant: Mr C Lawton
Expiry Date: 15-Jan-2013

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES:**

- Principle of the development
- Housing land supply
- The acceptability of the access
- The design of the proposal
- The impact upon neighbouring amenity

REASON FOR REFERRAL

Councillor R. Bailey has called in this application to Southern Planning Committee for the following reasons:

'The proposal could give rise to the possibility of over-development of the site, with consequential effects such as inappropriate access and loss of amenity to neighbours.'

DESCRIPTION OF SITE AND CONTEXT

This application relates to the elongated side garden of No.38 Congleton Road North, Church Lawton, Cheshire within the Scholar Green Settlement Zone Line. The development site is bound by the applicant's garden to the west, Congleton Road North to the northwest, the gardens of No.38a Congleton Road North and No.1 Knowsley Lane to the east and by Knowsley Lane itself to the south. The ground level of the development site is raised by approximately 1.3 metres at its juncture with Knowsley Lane. It is level with its juncture with Congleton Road North.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 2 detached dwellings within the garden of No.38 Congleton Road North, Church Lawton.

Access, landscaping, appearance, layout and scale are all reserved for subsequent approval. As such, this proposal seeks to establish the principle of residential development only.

Revised plans showing level information with regards to the proposed development on plot number 2 (the elevated plot) have been provided.

RELEVANT HISTORY

08/1220/FUL –First floor extension over existing garage & part of kitchen, part rebuilding of garage – Approved 5th September 2008

08/0399/FUL –Part rebuilding of existing garages and first floor extension – Refused 5th June 2008

04/0275/FUL – Removal of existing access and construction of access onto Congleton Road North – Approved 10th December 2004

4190/3 - Replacement double garage also domestic utility room and vehicular access – Approved 12th November 1976

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS5 – Villages in the Open Countryside and Inset in the Green Belt

GR1 - General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

H1 & H2 - Provision of New Housing Development

H5 – Residential development in villages

SPG2 - Provision of Private Amenity Space in New Residential Development

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to the conditioning of the 5.5 metre inset of the proposed driveway gates from the edge of the carriageway on both the access onto Knowsley Lane and the access onto Congleton Road North. Furthermore, an informative advising that the applicant needs a S184 licence as a result of the new access creation.

Environmental Health – No objections, subject to conditions relating to; hours of construction, hours of piling and the prior submission of a piling method statement. In addition an informative regarding land contamination is proposed.

United Utilities - No objections, subject to informatives regarding drainage

Canal & River Trust - No objections

VIEWS OF THE PARISH COUNCIL:

Church Lawton Parish Council – Advise that the proposed development would be contrary to Policies GR1, GR2, PS5 and H5 of the Local Plan due to the following reasons;

‘The proposal would not conserve or enhance the character of the surrounding area; on the contrary the proposed development would appear cramped and visually incongruous in its setting and would necessitate the removal of a considerable amount of mature landscape which at present contributes to the visual amenity of the locality;

The proposal represents an over development of the site which would result in a poor level of residential amenity for the occupants of the dwelling on Plot 2 in particular. This plot would have a very small amount of utilisable private open space (e.g. for sitting out, drying space, a garden shed etc) once due allowance is made for the necessary parking and vehicular turning space. Also there would be extremely limited outlooks from the principal windows of the dwelling because of its proximity to the boundaries of the site;

The proposal would significantly and adversely affect the setting of the host dwelling, number 38 Congleton Road North and would lead to direct overlooking at first floor level from that dwelling of the private gardens of the proposed dwellings at close quarters. Policy GR 6 of the Local Plan requires that development adjoining or near to residential property should not have an unduly detrimental impact because of loss of privacy and visual intrusion (amongst other matters);

The access arrangements to both plots 1 and 2 warrant careful examination by the Council's Strategic Highway Manager; the access to Plot 1 is not the main access to the existing dwelling (no 38 Congleton Road North) and the proposed development would significantly increase its usage - the visibility available along Knowsley Lane from this access in each direction is restricted by existing hedging and vegetation which the site plan shows is to be retained. A new access is proposed onto the A34 Congleton Road North to serve Plot 1. The A34 has a speed limit of 40 mph at this point and generally the highway authority has been careful to limit the number of new access points allowed on to this road. Notwithstanding the applicant's indication that planning permission was granted for a new access in this position some years ago, the Parish Council has no information as to the circumstances of that permission or the purpose which such an access was to serve or indeed whether or not the permission is still capable of being implemented. It is considered that the Strategic Highway Manager should assess the current situation in the light of present traffic conditions and not those subsisting years ago.’

OTHER REPRESENTATIONS:

6 neighbouring properties have submitted objections / their concerns regarding the scheme. The main areas of concern relate to;

- Over-development of site
- Highway safety
- Inaccurate information – plans & information provided in the Design & Access Statement
- No level information
- Loss of trees, hedges & habitat
- Amenity - Loss of light, visual intrusion & loss of privacy

SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Settlement Zone Line of Scholar Green where Policy PS5 (Villages in the Open Countryside and Inset in the Green Belt) states that where the land is not otherwise allocated for a particular use, development will be permitted provided it is in keeping with the local character in terms of use, intensity, scale and appearance and does not conflict with other policies of the local plan.

Policy H5 (Residential Development in Villages) of the Local Plan largely mirrors the criteria of Policy PS5 however, it also advises that consideration needs to be given to; the availability of previously development land, the location and accessibility of the site to jobs and services, the capacity of the infrastructure and environmental constraints.

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

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

In addition it states that local authorities should:

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

Given the current shortage of housing within Cheshire East and given that the proposed development falls within a settlement boundary, the principle of a 2 new dwellings at this site is deemed to be acceptable.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated is 65 square metres. The space provided for the new dwelling proposed on plot No.1 would be approximately 61 metres. The space provided for the dwelling proposed on plot No.2 would be approximately 70 square metres. As such, both proposals largely adhere to this standard and would have sufficient amenity space to sustain regular family living.

In terms of the separation distances and the dwelling proposed on plot No.1, there are 2 neighbouring dwellings that could be impacted. The applicant's dwelling (No.38 Congleton Road North), and the occupiers of No.38B Congleton Road North.

The proposed south western side elevation of the dwelling proposed on plot 1 would be approximately 12.3 metres from the parallel rear elevation of No.38 which includes a secondary lounge window and a first floor principal bedroom window.

Paragraph 2.8 of SPG2 details that *'in the case of two or three storey residential developments (i.e houses) where the main window(s) of a dwelling directly face the flank wall of an adjacent dwelling, the minimum distance acceptable between the dwellings would be 13.8m.'* However, paragraph 2.9 states *'...where the residential development consists of only a single storey (i.e bungalows) the Local Planning Authority may decide in certain circumstances to reduce the minimum distance to 10.7m.'*

Given that the proposed dwelling on plot No.1 is for a dormer bungalow, it would suggest that a standard between 13.8m and 10.7m would be appropriate. It is considered that a distance of 12.3m, in this instance would not create any amenity issues to this side with regards to loss of privacy, loss of light or visual intrusion. Furthermore, no openings are proposed on the relevant side elevation of the property.

In terms of the relationship with No.38B Congleton Road North, the gap between the proposal and this neighbouring dwelling would be approximately 9.6m. Although this is below the recommended standard, the relationship between the two properties would be heavily offset, to the extent that the corner of this neighbouring dwelling would be the closest aspect to the proposal. Furthermore, this neighbour benefits from a detached garage between the proposed dwelling and this neighbour's house which would provide a degree of screening. No windows are proposed on the relevant side elevation of the proposed dwelling on plot No.1. As a result of these reasons, it is not considered that the proposal would create any amenity issues to this side. The impact upon the garage is not considered to be an issue given that it is not a principal habitable room.

The only other neighbouring dwelling that could be directly impacted would be the properties on the opposite side of Congleton Road North. However, given that this dwelling is over the minimum separation distance away from the proposal, it is not considered that it would be impacted.

With regards to potential overlooking issues, the proposed dormer windows on the rear elevation of the dwelling on plot 1 are considered to be sufficiently offset from the private amenity space of the occupiers of No.1 Knowsley Lane not to cause a significant issue.

The proposed dwelling on plot No.2 would be a bungalow. It would be approximately 4.4 metres away from the corner of the applicant's dwelling (No.38 Congleton Road North) and 2 metres from the side elevation of No.1 Knowsley Lane.

On the closest aspect of the applicant's rear elevation, the closest opening is a first floor set of patio doors to a bedroom. There are 2 more windows to this room on the applicant's dwelling's principal elevation. The applicant has stated on the submitted plan that this opening from the applicant's dwelling could be removed. Subject to an obscure glazing / fixed closed condition being applied to this opening, it is considered that the development would adhere with amenity policies.

On the relevant side elevation of No.1 Knowsley Lane (bungalow), there is 1 obscurely glazed window. On the relevant side elevation of the proposed property on plot No.2, no openings are proposed. Given the lack of sole principal habitable openings in both of these dwellings on their relevant sides, it is considered that there would be no issues created to this side with regards to loss of privacy, loss of light or visual intrusion.

On the opposite side of Knowsley Lane, opposite the principal elevation of the dwelling proposed on plot No.2 is No.8 Knowsley Lane. This neighbouring dwelling would be approximately 14.5 metres away from the proposal at its closest point. The separation distance standards between principal elevations with main windows quoted within paragraph 2.2 of SPG2 is 21.3 metres. On the relevant principal elevation of the dwelling proposed on plot No.2 there are 2 principal bedroom windows which would be approximately 14.5 metres away from an inset section of this neighbour's principal elevation and a secondary lounge window which would be approximately 16.5 metres away from the main aspect of this neighbour's principal elevation.

On both aspects of this neighbouring principal elevation the only window that the proposed new dwelling proposed on plot No.2 would directly impact would be a small, ground floor hallway window. It should also be noted that this particular development plot is raised from the street level within the applicant's garden by approximately 1.3 metres. From the road side, the overall boundary treatment is approximately 2 metres tall. Given that a boundary hedge could provide a degree of screening, because the ground would be reduced in height (by approximately 0.9 metres) in order to reduce any impact, and because the only window directly impacted would be a window to a non-habitable room, it is not considered that the development would create any issues for this neighbour in terms of loss of privacy. As this neighbour is positioned to the south of the development, there would be no issues created in terms of loss of light.

With regards to visual intrusion, given that there are no principal habitable rooms that could be directly impacted on this neighbouring property, it is not considered that this aspect of amenity would be an issue.

Environmental Health have advised that they have no objections to the proposal subject to the addition of conditions relating to hours of operation, hours of piling, a piling method statement and an informative in relation to contaminated land. As such, subject to conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Design and Layout

The proposed dwellings would sit at either end of an elongated garden plot, each fronting different roads. The dwelling proposed on plot No.1 would front onto, and be accessed via

Congleton Road North. The dwelling proposed on Plot No.2 would front onto and be accessed via Knowsley Lane.

The dwelling proposed on Plot 1 would be inset from Congleton Road North by approximately 7.7 metres which would cushion the visual impact of the dwelling on the streetscene. It would also largely follow the existing building line. Furthermore, mature hedgerow on the boundary with would provide a degree of screening. As such, it is considered that the siting of the new unit would be acceptable.

In relation to footprint, the proposed dwelling would be of a similar scale to the surrounding properties. The form of the unit would be a detached dormer bungalow, approximately 6.4 metres in height. The neighbouring applicant's dwelling is a detached, two-storey dwelling. No.38B Congleton Road North and the subsequent neighbour are also detached two storey dwellings. On the opposite side of Congleton Road is a detached two-storey dwelling and a bungalow.

Although the proposal is detached and 1½ storeys tall, given the presence of a bungalow on the opposite side of the road, it is considered that the surrounding form is mixed. As such, it is considered that the proposed development on plot No.1 is of an acceptable form.

The details of the house have not been provided as appearance and scale have been reserved for later approval. However, subject to a more appropriate dormer window design and the appropriate use of materials in the construction of the dwelling, it is considered that the appearance of the unit would be acceptable.

In terms of the dwelling proposed on plot No.2, this would be inset from Knowsley Lane by approximately 4.4 metres and would be constructed in an elevated position. The building line of Knowsley Lane would largely be respected. As such, it is considered that the positioning of the proposal would be acceptable. In relation to footprint, the proposed dwelling would be of a similar scale to the surrounding properties.

The form of the unit would be a detached bungalow, approximately 4.6 metres in height. The neighbouring applicant's dwelling is a detached, two-storey dwelling. No.1 Knowsley Lane and the subsequent neighbour for a semi-detached bungalow unit. No.8 Knowsley Lane, opposite the proposed development forms a detached, two-storey dwelling. Given the mixture of house types in this location and the presence of bungalows, it is considered that the form of the development as a detached bungalow is acceptable.

The details of the bungalow have not been provided as appearance and scale have been reserved for later approval. However, subject to the appropriate use of materials in the construction of the dwelling, it is considered that the appearance of the unit would be acceptable.

As a result of the above reasons, it is considered that the development would be of an acceptable design adhere with Policies GR1 and GR2 of the local plan.

Highways and Parking

The proposed dwelling on plot No.1 would be accessed via the creation of a new access point onto Congleton Road North. The dwelling proposed on plot 2 would utilize an existing access.

The Council's Strategic Highways Manager has advised that *'I consider a new access onto Congleton Road North can be accepted given the character of the road and the number of adjacent properties with direct access. However, any gate must be sited a minimum of 5.5 metres back from the edge of the carriageway. The same requirement on any replacement gates applies in respect of the access to Plot 2 from Knowsley Lane.'*

As such, subject to the gates being conditioned, it is considered that the development would adhere with Policy GR9 of the local plan.

Other Matters

United Utilities have raised no objection with regards to the drainage aspect of the development.

CONCLUSIONS

The principle of the erection of 2 new dwellings in the rear/side garden of No.38 Congleton Road North is considered to be acceptable. The developments are of an acceptable design that would not create any amenity or highway safety issues.

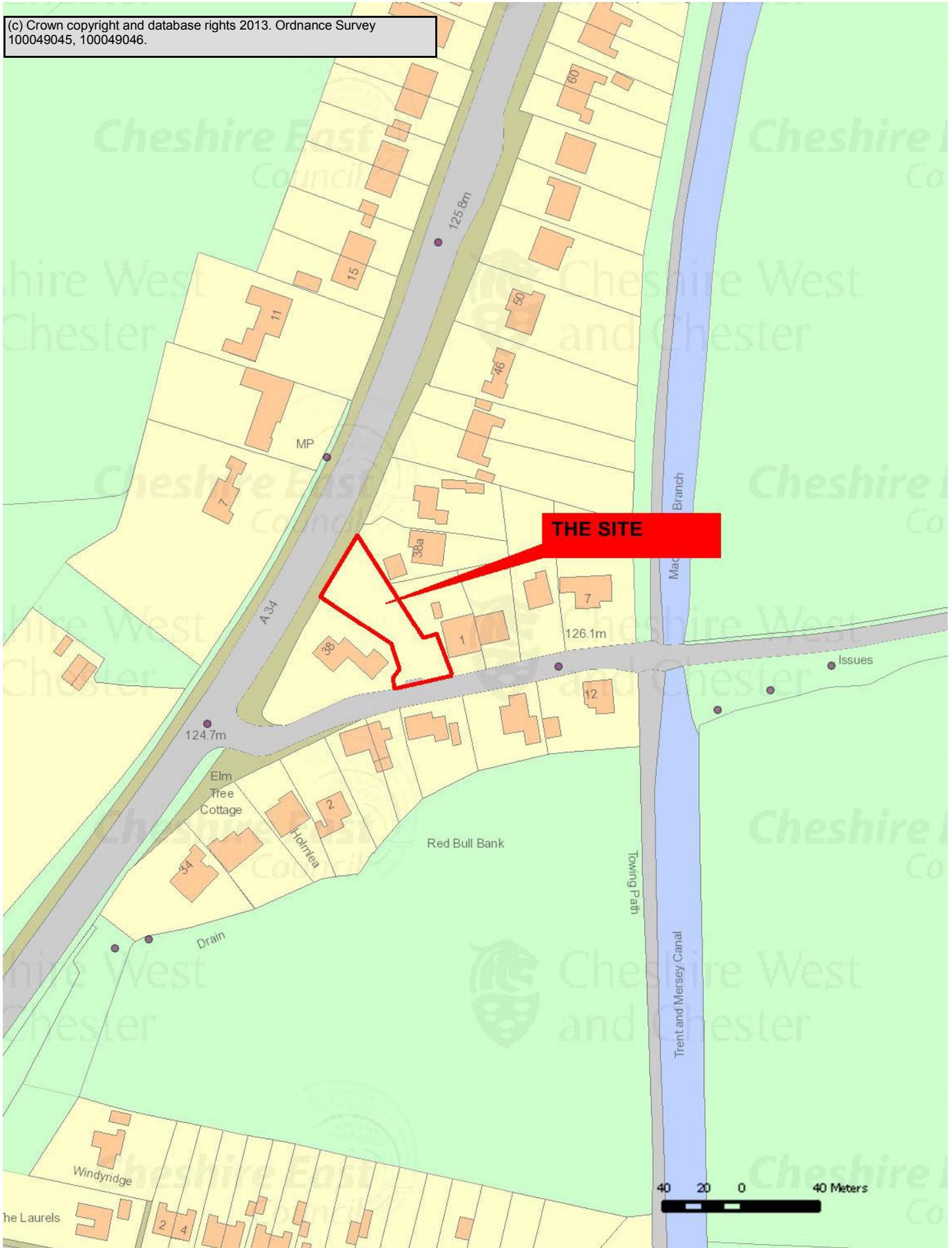
As such, it is considered that the development would adhere with Policies; PS5 (Villages in the Open Countryside and Inset in the Green Belt), H5 (GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Highways & Parking) of the Congleton Borough Local Plan First Review 2005 and the NPPF.

RECOMMENDATION:

Subject to no objection from the Strategic Highways Manager APPROVE subject to the following conditions:

- 1. Time Limit (Outline)**
- 2. Submission of reserved matters**
- 3. Reserved Matters application made within 3 years**
- 4. Development in accordance with approved plans**
- 5. Details of materials to be submitted**
- 6. Hours of construction**
- 7. Hours of Piling**
- 8. Piling method statement**
- 9. Boundary treatment**
- 10. Obscurely glazed and non-opening window to be inserted into the applicant's existing dwelling's first floor bedroom window on the southern end of the east elevation**
- 11. Removal of Permitted Development Rights (Classes A-E)**
- 12. Gates inset by 5.5 metres from edge of carriageway**

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Application No: 12/4584C

Location: BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH, CW10 9EX

Proposal: Redevelopment of former Boosey's Garden Centre to provide Class A1 retail building, car park and service yard (Revisions to previous scheme 11/2164C)

Applicant: Optimisation Developments Ltd

Expiry Date: 26-Feb-2013

SUMMARY RECOMMENDATION - Grant Permission subject to conditions and the prior signing of a S106 Agreement

MAIN ISSUES

Principle of Development
Retail Impact and Town Centre Considerations
Design
Residential Amenity
Highway Safety and Accessibility
Trees and Landscape

REASON FOR REPORT

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

DESCRIPTION OF SITE AND CONTEXT

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

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

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

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

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

DETAILS OF PROPOSAL

The application seeks permission for redevelopment of the site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area. Approval was granted in 2011 for an almost identical proposal; however development was commenced without all necessary conditions being discharged. The conditions relating to highway improvements were unable to be implemented and as such this application seeks to regularise this situation.

In overall terms, the scheme comprises a single, two-storey retail unit approximately 60m wide (across the site frontage), 42m deep with a roof height 12m in height on the corner features and 9.6m along the majority of the roof.

The design is such that the new building comprises two glazed corner features interspersed with red terracotta rain screen cladding with the main body of the building in between comprising red brick walls, smooth, flat grey panels and aluminium framed windows. A simple glazed cantilever canopy is also attached to the building to create a covered walkway around ground floor level. The building has a flat roof hidden behind raised eaves around the outer perimeter of the building.

Internally, the store provides a Gross Internal Area (or GIA) of 2489sqm comprising the sales floor, warehouse area, customer facilities along with element of ancillary staff accommodation on a first floor mezzanine level. In retail floorspace terms, the store provides a Net Sales Area (or NSA) of 1390sqm that would be split/disaggregated to provide 1110sqm for the sale of convenience goods (food and drink etc) and 280sqm for the sale of comparison goods (clothes and footwear etc).

Access to the store for both customers and delivery vehicles is gained from Newton Bank utilising the previous garden centre access. This leads into a 166-space car park area, which wraps around the northern and western elevations of the store, and the service yard road that runs along the eastern elevation and into the service yard area at the rear, or southeast, of the building. A further pedestrian access is also proposed via a staircase leading from the site down onto Chester Road

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

RELEVANT HISTORY

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

11/2164C (2011) Redevelopment to provide a Class A1 retail building, car park and service yard.

APPROVED 21st December 2011

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

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

10/3951C – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area. WITHDRAWN.

Also, for reference due to its retail nature: -

11/3737C Pace Centre, Wheelock Street, Middlewich - Proposed foodstore development with associated parking, servicing and landscaping, and additional A1, A2 and A3 units (including demolition of existing buildings).

APPROVED 15th October 2012

POLICIES

National Policy

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 'Spatial Principles'

DP2 'Promote Sustainable Communities'

DP3 'Promote Sustainable Economic Development'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP6 'Marry Opportunity and Need'

DP7 'Promote Environmental Quality'

DP9 'Reduce Emissions and Adapt to Climate Change'

RDF1 'Spatial Priorities'

W5 'Retail Development'

RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM1 'Integrated Enhancement & Protection of the Regions Environmental Assets'
EM2 'Remediation Contaminated Land'
EM5 'Integrated Water Management'
EM11 'Waste Management Principles'
EM16 'Energy Conservation and Efficiency'
EM18 'Decentralised Energy Supply'
MCR4 'South Cheshire'

Local Plan Policy

PS4 'Towns'
GR1 'New Development'
GR2 'Design'
GR4 'Landscaping'
GR6 'Amenity and Health'
GR7 'Amenity and Health'
GR8 'Amenity and Health'
GR9 'Accessibility, Servicing and Parking Provision'
GR10 'Accessibility, Servicing and Parking Provision'
GR14 'Cycling Measures'
GR15 'Pedestrian Measures'
GR17 'Car Parking'
GR18 'Traffic Measures'
GR19 'Infrastructure'
GR20 'Public Utilities'
GR21 'Flood Prevention'
NR1 'Trees and Woodlands'
NR4 'Non-statutory Sites'
NR5 'Enhance Nature Conservation'
S1 'Shopping Hierarchy'
S2 'Shopping and Commercial Development Outside Town Centres'
S11 'Shop Fronts'
S12 'Security Shutters – Solid Lath'
S13 'Security Shutters – Lattice/Mesh Grilles'
S16 'Environmental Improvements and Traffic Management Measures'
DP4 Retail Sites 'Middlewich M1 - Wheelock Street / Darlington Street'

CONSULTATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to conditions relating to drainage.

United Utilities:

No objection

Highways:

This site has had three previous applications for retail development, the third of which: 11/2164C is the subject of revision under this current application. This revision is necessary on the following grounds:

In the first instance the permission 11/2164C was rendered invalid by the developer due to the fact that the onsite work commenced prior to the necessary discharge of a number of planning conditions which were required prior to commencement of the scheme. In specific relation to highway issues there were two conditions which required 'prior to commencement' discharge and they were: conditions 15 & 16:

15.No development shall commence until such time as a detailed scheme for the part signalisation of the Newton Bank gyratory system, which shall include the provision of a pedestrian crossing system, as shown on SBA drawing number N71212-008 'Proposed Site Access' has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented in strict accordance details prior to first occupation of the hereby-approved food store.

Reason: In order to improve, enhance and provide safe pedestrian links across the A54 Chester Road and maximise the potential linked trips between the site and Middlewich Town Centre having regard to the impact tests identified under EC10.2, EC16 and EC17 of PPS4 and the requirements of policies GR1, GR2, GR9 and S2 (b), (c) and (e) of the adopted Congleton Borough Local Plan First Review January 2005.

16.No development shall commence until such time as a detailed scheme for pedestrian improvements to the Newton Bank Gyratory comprising dropped kerbs, pavement widening and tactile paving has been submitted to and approved in writing by the Local Planning Authority. The scheme, which shall extend to include further details in respect of the Croft Transport Solutions Drawing 0042_01 Rev A 'Potential Improvements to pedestrian facilities'. The approved scheme shall then be fully implemented in strict accordance details prior to first occupation of the hereby-approved food store.

Reason: In order to improve and enhance the pedestrian links and encourage and maximise the potential linked trips between the site and Middlewich Town Centre having regard to the impact tests identified under EC10.2, EC16 and EC17 of PPS4 and the requirements of policies GR1, GR2, GR9 and S2 (b), (c) and (e) of the adopted Congleton Borough Local Plan First Review January 2005.

In relation to Condition 15, there have been ongoing negotiations with the Strategic Highways Manager regarding the design solution for the part signalisation of the Newton Bank gyratory which is required for this specific development.

These negotiations take place under the related Section 278 legal agreement under the Highways Act which falls under the control of the Highway Authority rather than the Planning Authority and which is completed beyond the granting of a planning permission.

In the instance of Condition 15, the safety audit check carried out under the S278 required some minor changes to the proposed traffic management scheme for this retail development and as a result of the negotiations amendments were agreed with the developer and are shown on the Bryan G Hall Drawing No. 11/370/DE/100/001 Rev D.

In relation to Condition 16, The Strategic Highways Manager and the developer's consultants have in this current application agreed pedestrian accessibility improvements in relation to the pedestrian desire lines and routes around the gyratory system under the auspices of the S278 agreement and these are documented in the related Bryon G Hall drawing numbers: 11/370/DE/600/001 Rev D (earthworks), 11/370/DE/700/001 Rev D (pavement), 11/370/DE/600/002 Rev C (cross sections), 11/370/DE/1100/001 Rev D (kerbing), 11/370/DE/1200/002 Rev D (pedestrian signing). Constraints from the agreed traffic management

The Strategic Highways Manager would inform Members that some of the works related to the above related works have already been completed and that where necessary the conditions recommended below will align with outstanding requirements.

It should also be noted that the provision of some of these improvements are being scheduled to be completed beyond the Christmas embargo and are being co-ordinated with necessary utility works providers under the same road closure order.

These arrangements will see the satisfactory implementation of all agreed works and the recommended planning conditions attached below will seek to control provision prior to the opening of the new food retail store and provide improved pedestrian linkages to the town centre. Furthermore, these works have been designed to ensure that they tie in as effectively as possible with any future proposals to upgrade the gyratory.

Middlewich Town Council considerations.

Dialogue with Cllr McGrory representing Middlewich Town Council has raised some enquiries regarding aspects of the development and its relationship to other planning approvals and this is discussed below.

The Town Council are interested that the predicted traffic generation from the proposed Tesco store be considered in the final design solution for the redevelopment of the Boosey's site.

Highways are aware of the need to correlate the two developments – and have worked to provide a solution that will offer synergy for both sets of highway improvements. As this application is not materially any different from the previous approved application the scale of works and apportionment needs to be consistent.

Since the previous application a planning approval for a Tesco store off St Ann's road has been approved. The highway improvements associated with this scheme call for the signalisation of the gyratory, along with the maintenance of two traffic lanes around the gyratory. There is insufficient space to widen the footway on Newton Bank without compromising the ability to provide for this. However, the new crossing facilities of Newton Bank will provide a suitable pedestrian link to the town centre - which will be signed as such.

The final detailed solution for managing the Tesco traffic will be detailed through their S278 agreement. Highways are working with Tesco's to optimise these proposals.

The Town Council have asked what consideration is being made against the proposed residential developments on Warmingham Lane with regard to the A54 corridor.

The S.H.M. can inform members that the two development sites on Warmingham Lane included improvements at both Leadsmithy Street and the junction with King Street and the transport assessment for these two sites accounted for traffic growth in Middlewich, including an allowance for committed developments.

The Town Council have particular concern regarding the provision of necessary pedestrian links between the Boosey's redevelopment site and the town centre.

The S.H.M. would advise members that the agreed designs quoted above and related to Condition 16 of 11/2164C provide the of the best option for the pedestrian links to the town centre and will provide for safe crossing of the A54 via a new PUFFIN crossing and in accordance with current specifications will provide: drop kerbs, tactile paving and pedestrian signing for these routes.

However, a material change from the previous application is the approval of the Tesco store on the opposite side of Nantwich Road across the Gyratory. It is considered that to maximise linked trips, improved pedestrian crossing facilities of this road are required. The S.H.M. will be seeking a contribution to the provision of the PUFFIN crossing on Nantwich Road itself. This will be included in the recommended conditions.

The Town Council also asked a question related to the full signalisation of the gyratory at this time.

The S.H.M. would advise members that developers can only be expected to provide mitigation on a scale which matches development impact – and this is as recommended in the conditions attached to this application. Additionally, a material consideration must be the conditions attached to the previous application.

General Considerations

This application is the same scale as 11/2164C. The only highway issues that must be considered are why this new application provides an acceptable solution to the requirements of Conditions 15 and 16 attached to the previous and now invalid 11/2164C.

In relation to Condition 15 of 11/2164C it is the view of the SHM that the negotiated design on Bryan G Hall Drawing No. 11/370/DE/100/001 Rev D does provide for an acceptable solution to the original Condition 15 requirement.

In relation to Condition 16 of 11/2164C it is the view of the S.H.T manager that the negotiated design on Bryon G Hall drawing numbers: 11/370/DE/600/001 Rev D (earthworks), 11/370/DE/700/001 Rev D (pavement), 11/370/DE/600/002 Rev C (cross sections), 11/370/DE/1100/001 Rev D (kerbing), 11/370/DE/1200/002 Rev D (pedestrian signing), does provide for an acceptable solution to the original Condition 16 requirement.

Members are asked to note that the control available to the Highway Authority under the S278 legal agreement has allowed the negotiation of some changes to the proposed traffic management scheme in accordance with the Road Safety Audit process.

Conclusion

The Strategic Highways Manager recommends that the negotiated solution to the provision of traffic and pedestrian management solutions for the A54 gyratory and related to this application are satisfactory and provide an acceptable position to meet the previous requirements of conditions 15 & 16 related to 11/2164C.

However, the S.H.M. recommends that the following conditions are attached to any planning permission which may be granted for this development proposal:

Condition 1:- Prior to first opening, the developer will provide the agreed improvements to the traffic management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on the Bryan G Hall Drawing No. 11/370/DE/100/001 Rev D in this application.

Condition 2:- Prior to first opening, the developer will provide the agreed improvements to the pedestrian route management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on Bryon G Hall drawing numbers: 11/370/DE/600/001 Rev D (earthworks), 11/370/DE/700/001 Rev D (pavement), 11/370/DE/600/002 Rev C (cross sections), 11/370/DE/1100/001 Rev D (kerbing), 11/370/DE/1200/002 Rev D (pedestrian signing) in this application.

Condition 3:- In relation to the provision of safe crossing of the Nantwich Road area and in the interest of maximising sustainable links between the town centre / other developments the developer will enter into a Section 106 agreement for the provision of £60,000 for the provision of a PUFFIN crossing for Nantwich Road and/ or general improvements to the pedestrian environment in this area.

Environmental Health:

No objection subject to conditions relating to contaminated land, air quality, lighting and noise by way of acoustic mitigation and restrictions on the hours of operation.

VIEWS OF MIDDLEWICH TOWN COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

At the time of report writing, a total of 8 representations have been received, 7 objections and 1 supporting the proposal.

The objectors raise concerns relating to noise and light pollution, inadequate pedestrian access, working outside the approved hours and the imposing building dominating the skyline which is almost completed without complying with the original approval, and the lack of enforcement action.

The supporter urges the Council not to delay the approval of the store as it will bring much needed jobs and prosperity to the town.

OFFICER APPRAISAL

Principle of Development

The principle of developing a supermarket on this site was established when Southern Planning Committee resolved to approve application number 11/2164C, subject to the completion of a Section 106 Agreement and several conditions. The Agreement was completed in 2011 and the decision notice issued in December 2011.

Subsequently, information was submitted to the Council in order that the conditions on the planning permission could be discharged. At this point it came to light that conditions 15 and 16, relating to the Newton Bank Gyrotory could not be implemented in accordance with the approval. Unfortunately development had been begun at this point and as these conditions were considered to go 'to the heart' of the permission and development had commenced without compliance with the conditions, the development could no longer be implemented in accordance with the approved scheme. In addition, the details of acoustic attenuation submitted were not considered to be acceptable. As such the developers have submitted this application in order that the situation can be regularised.

Retail Issues

When the original application was put before Committee in 2011, the relevant Government Policy was Planning Policy Statement 4 (Planning for Sustainable Economic Growth). The scheme was thoroughly assessed using the requirements of this policy in terms of retail impact. In addition the Councils' retail expert assessed this information and agreed with the conclusions reached.

The current Government Guidance comprises the National Planning Policy Framework (NPPF) and this requires that a sequential test should be applied to planning applications for main town centre uses, not in an existing centre. The previous scheme, received a resolution from the Committee of approval for a scheme very similar to that put forward in this application, thereby indicating that the sequential assessment had been satisfied by the previous application. Since the determination of the previous scheme, the 'Tesco' site has received planning permission for a food store development with associated parking, servicing and landscaping and additional A1, A2 and A3 units (including demolition of existing buildings) ref: 11/3737C. Accordingly, it is clear that this site is no longer available.

Since the resolution of the Council to approve the previous scheme (ref: 11/2164C), with the exception of the approval of the Tesco scheme (ref: 11/3737C), which confirms that this site is not available, there has been no material change in circumstances that would result in any additional sites or the previously considered sites being sequentially preferable. With the above in mind, it is clear that the application site meets the requirements of the sequential test as required by Paragraph 24 of the NPPF (March 2012).

Design and Layout

The design of the store and associated development is almost identical to that approved under the previous application, with two glazed corner features and glazing and brickwork to the elevations. A retaining wall, landscaped and containing public art (tiled mosaics of Middlewich Roman history) including pedestrian access is proposed facing Newton Bank.

There are some minor amendments to the design of the approved scheme including the provision of an enclosed loading dock, and two additional windows to the south west elevation.

Given that the design and layout are almost identical to that which Committee deemed to be acceptable when the previous application was approved, it is considered that the proposal is acceptable in terms of its design and layout.

Residential Amenity

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

In dealing with this matter, it is important to note that the previous 2008 permission (08/0071/FUL), related principally to the sale of comparison goods which would have been less intense and would require less deliveries than a solely convenience goods store. In addition, the service doors on the extant 2008 scheme were spread across the rear elevation at regular intervals thereby avoiding a concentration of activities in any one spot.

In the case of this scheme, it is considered the store will require more deliveries of fresh produce such as bread, milk and vegetables on a daily basis. In dealing with this issue, the applicant asserts that a restriction on delivery times (between 7am & 10pm). It is considered that provided that the development is carried out in accordance with the submitted report relating to acoustic attenuation, residential amenity will be protected.

It is considered; however that the hours restriction needs to be more tightly controlled if amenity is preserved having specific regard to intensification, the single delivery point and potential for significant noise from the steel cage pallets more commonly used for the delivery of frozen and refrigerated foods.

Taking all these factors into consideration, it is considered that the delivery hours should be controlled and restricted to 7am – 8pm.

Details of lighting to be used on the site have been submitted with the application and a condition should be imposed requiring the development to be carried out and retained in accordance with these details, should be imposed.

In terms of the car park area, it is considered that the scheme will have an acceptable relationship with adjoining properties, particularly in terms of its relationship with No.67a Chester Road. The car park will be separated from the curtilage of No.67 by a band of retained trees with the car park area itself being set back on a higher level and, for the most part, screened by a decorative balustrade.

Highway Safety and Accessibility

The previous application (11/2164C) was approved subject to several conditions relating to highway works; however following further examination by the Strategic Highways Manager, it became clear that it would not be possible to comply with the detail of these conditions. Following extensive discussions with the developers, acceptable alternatives have been developed and these are now deemed to be acceptable to the Strategic Highways Manager as can be seen from the extensive response detailed in the Consultations section of this report. They include the replacement of proposed signals with a Give Way sign and the reduction of part of the eastbound approach to the signals to a single lane.

In reaching his conclusions, the Strategic Highways Manager has undertaken a detailed assessment of the impact of this development, the approved Tesco town centre scheme and the approved developments on Warmingham Lane and has concluded that the development is acceptable in terms of highway safety and linkages to the town centre. It is therefore considered that the proposed development would satisfy the requirements of Local Plan policies GR1, GR9 and GR18.

The request for £60,000 for a Puffin crossing does not meet the CIL Regulations and never formed part of the previous agreement. As such it is not possible to make this a requirement should the application be approved as it would not fairly and reasonably related in scale and kind to the development.

Trees and Landscaping

Full details of landscaping of the site and tree protection have been submitted with the application and these are in line with the conditions imposed on application 11/2164C. The submitted details are considered to be acceptable and a condition should be imposed requiring compliance with the submitted details.

It is considered that the proposed development meets the requirements of Local Plan policies.

Archaeology

Under the previous application a condition was imposed to allow for the sites' archaeological remains (an ice house on the western boundary) to be fully investigated and recorded prior to its destruction. This requirement has been complied with therefore no further action is required.

CONCLUSION AND REASON FOR THE DECISION

The principle of the development has previously been agreed. However, difficulties arose such that the development has been constructed without fully discharging the conditions for the development. The Council therefore required the development to be regularised through the submission of this application. The circumstances around the principle of the scheme have largely remained unchanged.

The proposed development will meet the identified need for Middlewich and its catchment area and will serve to increase competition and choice for residents of Middlewich. The proposed development can be accommodated alongside the approved town centre scheme on site allocation DP4 M1 and it is not therefore considered that the scheme would undermine the delivery of the planned private investment into the town centre or the vitality and viability of the town centre.

At the time the previous application was approved there was considered to be a risk that approving this scheme may jeopardise the delivery of the town centre site; however that site now has an approval which will deliver the increased choice and competition that the town needs.

The layout and design of the scheme is considered to offer an acceptable design solution which is appropriate to the character of the area and which is likely to offer greater opportunity for access the town centre.

In terms of residential amenity, potentially adverse impacts associated with the scheme in terms of noise and external lighting can be addressed by the measures put forward in this application.

Matters relating to highway safety / accessibility and archaeology have been adequately addressed by the applicants and the scheme therefore satisfies the relevant policies of the adopted Local Plan, RSS and National Planning Policy Framework.

Recommendation

That planning permission is granted subject to the prior signing of S106 Legal Agreement and subject to the following conditions:

S106 Agreement Heads of Terms

- Secures a financial contribution of £25,000 (prior to the commencement of development) towards local bus services;
- Secures the submission and implementation of a travel plan and an associated financial contribution of £5000 towards a monitoring

Conditions

Standard

1. Approved Plans.
2. Materials as detailed in the application.

Landscaping and Public Realm

3. Compliance with submitted landscape plan.
4. Compliance with submitted Tree and Hedgerow Protection Measures.
5. Compliance with submitted for external lighting scheme.
6. Town Centre Signage Scheme.

Retail Restrictions

7. Restriction of net retail floorspace.
8. Restriction on convenience and comparison split. (No more than 280sqm for comparison goods)
9. No subdivision of units.
10. Local Labour Agreement. (In accordance with the letter from jobcentreplus dated 5th November 2012)

Highways

11. Prior to first opening, the developer will provide the agreed improvements to the traffic management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on the Bryan G Hall Drawing No. 11/370/DE/100/001 Rev D in this application.

12. Prior to first opening, the developer will provide the agreed improvements to the pedestrian route management on the A54 gyratory in accordance with the negotiated traffic management scheme under the related S278 agreement as shown on Bryon G Hall drawing numbers: 11/370/DE/600/001 Rev D (earthworks), 11/370/DE/700/001 Rev D (pavement),

11/370/DE/600/002 Rev C (cross sections), 11/370/DE/1100/001 Rev D (kerbing), 11/370/DE/1200/002 Rev D (pedestrian signing) in this application.

13. Detailed scheme for public realm enhancements between the application site and Middlewich Town Centre (along Newton Bank and Chester Road) extending to include pavement surfaces, new trees and street furniture, enhanced lighting and new directional signage. Details agreed within 2 months of the store opening and implemented within 3 months of the details being agreed.

14. Site access fully constructed prior to first occupation.

15. Pedestrian access fully constructed prior to first occupation.

16. Car park surfaced, laid out and available for use prior to first occupation.

17. Cycle hoops to be fully installed and available for use prior to occupation.

18. Service yard to be surfaced and available for use prior to occupation.

Environmental Health

19. Restriction on deliveries:

0700 and 2100 Monday to Saturday, 0800 and 1700 on Sundays, Bank or Public Holidays.

20. Compliance with the details contained within the submitted Acoustic Matters Report by Belair Research Limited.

21. Implementation of the acoustic screening around the site perimeter prior to first occupation.

22. Proposed Store Opening Hours

07.00 – 22.00 Monday to Saturday

10.00 – 17.00 on Sundays and Bank Holidays.

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CHESHIRE EAST COUNCIL**SOUTHERN PLANNING COMMITTEE**

Date of meeting: 16th January 2013
Report of: David Malcolm – Southern Area Manager
Title: 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 at Wardle Bridge Farm, Nantwich Road,
Wardle, CW5 6BE

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Southern Area Committee in respect of application 12/3294N
- 1.2 The report has been presented to Southern Area Committee because the original application was approved by the Committee in November 2012.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 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.

- 3.2 Members may recall that in November 2012 Southern Area Committee resolved to grant planning permission 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.
- 3.3 The approval was subject to the satisfactory completion of a Section 106 agreement to secure a financial contribution of £3,000 for the introduction of a weight restriction on the railway bridge to the right of the site, as Members considered that, in accordance with the Community Infrastructure Levy Regulations 2010, it was 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 because it would pay for an order to restrict the size/weight of vehicles travelling to/from the site in the vicinity of the school

and the following 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:
 - i. Fashion clothing and footwear (other than country, equestrian and leisure clothing and footwear normally retailed within a country store);
 - ii. 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);
 - iii. Electrical goods (other than those which would normally be retailed within a country store);

- iv. Kitchenware or goods associated with cookery
 - 12 Widening of left turn radius off A51
 - 13 Layby/passing bay between site and A51
 - 14 Provision of ghost island/right turn off A51
- 3.4 Since the committee's resolution the developer has raised concerns over the costs of the highways requirements, which they consider would render the scheme unviable. They are therefore seeking to remove conditions 12 – 14 of the committee's previous resolution. They are however, are prepared to commit to the s.106 contribution to the bridge weight limit, subject to reasonable costs.

4 Developer's Supporting Information

- 4.1 The applicant has stated that they have consulted their highway engineers regarding the required works. Until they listened to the debate at the Committee meeting, they had been unaware of any suggestion that such additional works would be included as a conditional requirement. They had viewed the very clear consultation response from your highway officer, which indicated that no off-site works were required, and had reasonably assumed that this would be the eventual outcome. No discussions had taken place with the applicants about the need for additional works and they were therefore not in a position to respond to these matters at the time.
- 4.2 The works that have been outlined in the conditions have now been 'costed' by our highway engineer and the overall total is circa £45,000.00 (forty five thousand). Moreover the concern is also that the costs of providing the ghost island / right turn from the A51 is potentially considerably greater if there is a need to widen the carriageway (to address safety audit) and almost certainly therefore relocate services in the carriageway verge. In these circumstances the costs could easily exceed £150,000.00.
- 4.3 Even assuming the lower figure, the applicants consider the costs of these works would render an already marginal scheme unviable, and they would not be in a position to proceed with the development. For these reasons they believe that the only appropriate course of action is to request that the committee review the necessity for these works, bearing in mind the formal response from the highway officer, and ask that they determine the application without the external works.
- 4.4 The developer would be prepared to consider the contribution towards the costs associated with the weight limits for the bridge, subject to clarification of these costs, but these are presumed to be very modest compared to the other elements.

- 4.5 Whilst it is open to the developer to appeal the conditions, this seems to be the least appropriate option, not least because it leaves the matter unresolved for a considerable period of time and the delay will further jeopardise the project.

5 Officer Comment

- 5.1 The NPPF places considerable emphasis on viability as a material planning consideration. Paragraph 173 states: *Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*
- 5.2 The NPPF also stresses the importance of delivery of economic growth through the planning system. One of the 12 Core Planning Principles at paragraph 17 states that planning should: *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*
- 5.3 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.*”
- 5.4 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.*”

- 5.5 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.*
- 5.6 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.
- 5.7 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.”*
- 5.8 The applicant has clearly stated that the proposed conditions would render the scheme unviable. Therefore, with the conditions remaining in place, this proposal is unlikely to come forward and will not deliver the premises, jobs and the expansion of an existing rural business which the government has made clear are vital to economic recovery and that the planning system should be supporting.
- 5.9 Therefore, to retain the conditions in place would be contrary to advice within the NPPF, unless, as stated in that document, any adverse impacts in highway safety terms of removing the conditions would significantly and demonstrably outweigh the benefits, of the development in terms of economic growth.
- 5.10 Furthermore, according to Circular 11/95 *“Use of conditions in planning permission”* conditions should be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 5.11 According to paragraph 15: *“in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be*

imposed. If it would not, then the condition needs special and precise justification.”

- 5.12 Members should also note that at paragraph 32 of the NPPF it states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 5.13 Comments with regard to the severity of the highway safety implications arising from removal of the conditions in question were awaited from the Strategic Highways Manager at the time of report preparation and a further update will be provided to Members on this matter in due course.

8. Conclusion

- 8.1 The NPPF makes it clear that Local Planning Authorities should support applications for development which facilitate economic growth, which this proposal will do.
- 8.2 It also explains that in determining applications, economic viability is an important material consideration. In this case the highways conditions proposed would render the scheme unviable and as a result the development would not go ahead with the resultant economic benefits would be lost. This would be contrary to the advice in the NPPF.
- 8.3 In accordance with the advice in Circular 11/95 Members must consider whether the conditions are necessary and *whether planning permission would have to be refused if those conditions were not to be imposed, having regard to* paragraph 32 of the NPPF which states that *“development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 8.4 They should also have regard to *the fact that the NPPF states that there is a presumption in favour of development* provided that there are no significant and demonstrable adverse impacts which would outweigh the benefits. Members must also determine therefore, whether, without the conditions in question, the proposal would have a significant and demonstrable adverse impact on highway safety which would outweigh the benefits in terms of economic growth.
- 8.5 In the light of the above advice, unless any severe, significant and demonstrable adverse impact on highway safety is identified as a result of the on-going consultation with the Strategic Highways Manager, it is recommended that Members resolve to remove conditions 12 – 14 from their previous resolution.

9 Recommendation

That the Committee resolve to amend the previous resolution in respect of application 12/3294N to read:

APPROVE subject to the satisfactory completion of a Section 106 agreement to secure a financial contribution of £3,000 for the introduction of a weight restriction on the railway bridge to the right of the site, as Members considered that, in accordance with the Community Infrastructure Levy Regulations 2010, it was 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 because it would pay for an order to restrict the size/weight of vehicles travelling to/from the site in the vicinity of the school

and the following 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:
 - i. Fashion clothing and footwear (other than country, equestrian and leisure clothing and footwear normally retailed within a country store);
 - ii. 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);
 - iii. Electrical goods (other than those which would normally be retailed within a country store);
 - iv. Kitchenware or goods associated with cookery

10 Financial Implications

10.1 There are no financial implications.

11 Legal Implications

11.1 The Borough Solicitor has been consulted on the proposals and raised no objections

12 Risk Assessment

12.1 There are no risks associated with this decision.

13 Reasons for Recommendation

13.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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Background Documents:

- *Application 12/3294N*