

Southern Planning Committee

Agenda

Date: Wednesday, 29th May, 2013
Time: 1.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 1 - 12)

To approve the minutes of the meeting held on 1 May 2013.

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. **13/1064C Holmes Chapel County Primary School, Middlewich Road, Holmes Chapel, Cheshire CW4 7EB: Construction of pre-fabricated pre-school and associated external works for Mr Michael Hall, Happy Days Club & Nursery School** (Pages 13 - 20)

To consider the above planning application.

6. **11/3349C Plot 1, Land Adjacent To 6, Heathend Road, Alsager ST7 2SQ: Single Detached Dwelling On Land Adjacent To No. 6 Heath End Road for Mr Adrian Girvin** (Pages 21 - 34)

To consider the above planning application.

7. **12/4318C Land Adjacent to Sandyacre, 51, Main Road, Goostrey, Crewe CW4 8LH: Construction of 3 New Houses adjacent to Sandyacre for Mrs Alison Rose** (Pages 35 - 48)

To consider the above planning application.

8. **12/4326C Poolwood Cottages, Holmes Chapel Road, Somerford, Congleton, Cheshire CW12 4SN: Change of use of land to allow use for contracting and plant hire use together with associated works to the land including earth bund and laying hardcore for James Ashbrook, J K Ashbrook Ltd** (Pages 49 - 56)

To consider the above planning application.

9. **12/4426N Land south of Pym's Lane, Crewe, Cheshire CW1 3PL: Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's for Mr Garth Robert, Bentley Motor Limited** (Pages 57 - 66)

To consider the above planning application.

10. **13/0762N 4, Park Lane Mews, Park Lane, Hatherton CW5 7QX: Proposed new detached car port with loft over for G Britton** (Pages 67 - 72)

To consider the above planning application.

11. **13/0784C Ivanhoe, Holmes Chapel Road, Brereton, Congleton CW12 4SP: Residential development of 2no units for Sherrie Shaw, Bloor Homes Ltd - North West** (Pages 73 - 82)

To consider the above planning application.

12. **13/0927N Rockwood Inn, 204 Alton Street, Crewe CW2 7PT: Demolition of Rockwood Hotel/Pub and development of 20 new apartments for Lee Dawkin, Renewland Developments Ltd & Wulvern Housing** (Pages 83 - 94)

To consider the above planning application.

13. **13/1022N 39, Church Lane, Wistaston CW2 8HA: Listed Building Consent For Replacement Windows for Mr Joseph Richardson** (Pages 95 - 100)

To consider the above planning application.

14. **13/1200C 36, Hawthorne Close, Holmes Chapel CW4 7QD: Ground and First Floor Side/Rear Elevation to Dwelling for Mr & Mrs S Double** (Pages 101 - 104)

To consider the above planning application.

15. **13/1379C Land Adjacent to Ivy House, Holmes Chapel Road, Somerford, Congleton, CW12 4SP: Construction of two new dwellings (Resubmission of planning application reference 12/4860C) for Arthur Davies** (Pages 105 - 116)

To consider the above planning application.

16. **13/1385N Lower Lightwood Green Farm, Whitchurch Road, Audlem, Crewe, Cheshire CW3 0EP: New Agricultural Cubicle Building for Mr Chris Dodd** (Pages 117 - 122)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st May, 2013 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, J Clowes,
W S Davies, P Groves, A Kolker, D Marren, S McGroory and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors I Faseyi and S Jones

OFFICERS PRESENT

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

Minute No. 187 Only:

Gary Newsome (Assistant Arboricultural Officer)
Ian Dale (Heritage and Design Manager)

Apologies

Councillors M A Martin and D Newton

173 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

Councillor S Davies declared that in calling-in application number 12/2276N he had expressed an opinion and had therefore fettered his discretion. Councillor Davies exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

With regard to application number 13/0992N, Councillor P Butterill declared that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, and a member of Nantwich Civic Society. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

With regard to application number 13/1097N, Councillor S Davies declared that he knew one of the objectors but did not know him well and had not seen him since a previous application for this site had been considered by the Committee. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

With regard to application number 13/0535C, Councillor Rhoda Bailey declared that she had been contacted by two objectors and a member of Church Lawton Parish Council but had not been involved in any discussions and had kept an open mind.

With regard to application number 13/0765C, Councillor G Merry declared that the site was in her Ward, but that she had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application number 13/0535C.

With regard to application numbers 13/1327C and 13/1331C, Councillor S Jones, who was in attendance at the meeting, declared that she was a member of Alsager Town Council and that she had submitted the applications on its behalf.

174 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 10 April 2013 be approved as a correct record and signed by the Chairman.

175 13/1327C ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER, STOKE ON TRENT ST7 2AE: REMOVAL OF EXISTING CONCRETE CANOPY AND ERECTION OF NEW STEEL & GLASS CANOPY TO FRONT OF BUILDING . BUILDING OF NEW REAR DOORS & TIMBER SCREEN TO REAR OF BUILDING TO INCREASE SPACE OF STORE ROOM. REMOVAL OF EXISTING FRONT DOORS & GATES REPLACING WITH GLASS AUTOMATIC SLIDING DOORS FOR CLLR S JONES, ALSAGER TOWN COUNCIL

Note: Councillor S Jones (applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. Time limit
2. Development in accordance with the approved plans
3. Materials in accordance with the submitted details

176 **13/1331C ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER ST7 2AE: ADVERTISEMENT CONSENT FOR 4 FASCIA SIGNS, 4 ILLUMINATED POSTER CASES AND 3 OCCASIONAL BANNERS FOR CLLR S JONES, ALSAGER TOWN COUNCIL**

Note: Councillor S Jones (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to;
 - a) Endanger persons using any highway, railway, waterway, or aerodrome (civil or military);
 - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or to aid navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
6. Development shall be carried out in accordance with the approved plans.

177 **13/0823N RED ACRES, WINDMILL LANE, BUERTON CW3 0DE: RE-SUBMISSION OF AN APPLICATION FOR 9 AFFORDABLE HOUSES FOR HOUSING ASSOCIATION WITHIN THE GREEN BELT UNDER RURAL EXCEPTIONS POLICY FOR MARKDEN CITY HOMES LTD**

Note: Mr S Baddley (objector) and Mr M Ellis (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management which confirmed that the application had been referred to the Southern Planning Committee due to the sensitive nature of the application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) the satisfactory completion of a Unilateral Undertaking/Planning Obligation to secure:
 - 9no. Affordable Dwellings
 - £2,000 contribution to used to implement barn owl conservation work in the Borough
 - £4,000 contribution to 30mph speed limit
 - cascading to include adjacent Parishes
- (b) consideration of contributions to Public Open Space and additional discussions regarding the 4 bed bungalow
- (c) the following conditions:
 1. Commence development within 3 years
 2. Development in accordance with approved plans
 3. Submission of details/samples of external materials
 4. Submission of a scheme of landscaping of the site including the retention of the hedgerow to the north and west boundary of the site
 5. Implementation of approved landscaping scheme
 6. Submission and implementation of details of boundary treatments
 7. Submission and implementation of a tree protection scheme
 8. Submission and implementation of an arboricultural method statement
 9. Removal of permitted development rights for extensions, roof alterations and outbuildings
 10. Limit on hours of construction
 11. Limit on hours of piling
 12. Lighting details submitted, approved and implemented
 13. Submission of Phase 2 Contaminated Land Survey
 14. Protection for breeding birds
 15. Surveys for Environment Agency
 16. Nature Conservation Enhancement
 17. Construction Management Plan
 18. Submission of detailed drainage scheme
 19. Obscure glazing to side of bungalow (facing Windmill Close)

178 **12/2276N THE SPINNEY, WIRSWALL ROAD, WIRSWALL SY13 4LB:
REPLACMENT AGRICULTURAL BUILDING FOR MR MIKE MERRILL,
SWANLEY MOWERS**

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

Note: Mr S Whitehead (objector) and Mr M Merrill (applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. Standard
2. Construction details to be submitted for agreement.
3. Removal of the building when it ceases to be needed for agricultural purposes.
4. Drainage
5. Approved plans
6. Provision of bat and bird boxes in accordance with survey.

179 **12/4319N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE CW1 3PL: ERECTION OF A TWO STOREY TEMPORARY OFFICE ACCOMMODATION WITH LINKS TO AN EXISTING BUILDING TO ACCOMMODATE EXISTING STAFF RELOCATED ON SITE FOR MR ANDREW ROBERTSON**

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) the satisfactory completion of a Unilateral Undertaking/Planning Obligation to secure pedestrian crossing(s), following further discussions between the Development Management and Building Control Manager and the Highways Manager.
- (b) the following conditions:
 1. 5 year temporary consent and area restored thereafter
 2. Development to be carried out in accordance with approved plans
 3. Materials / colours to be submitted
 4. Hours of construction limited
 5. Hours of piling limited
 6. Acoustic Enclosure of any Fans / Compressors to be submitted

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

- 180 **12/4533N LAND NEXT TO ACTON CHURCH OF ENGLAND PRIMARY SCHOOL, CHESTER ROAD, ACTON, CHESHIRE CW5 8LG: 14 HOUSES FOR AFFORDABLE RENT, COMPRISING FOUR TWO BEDROOM/FOUR PERSON HOUSES, NINE THREE BEDROOM/FIVE PERSON HOUSES AND ONE FOUR BEDROOM/SIX PERSON HOUSE. THE PROPOSALS ALSO COMPRISE THE ENLARGEMENT AND IMPROVEMENT OF THE ADJACENT SCHOOL CAR PARK FOR MR PHILIP PALMER, MULBURY HOMES LTD**

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

- 181 **13/0535C CHERRY LANE FARM, CHERRY LANE, CHURCH LAWTON, CHESHIRE ST7 3QX: DEMOLITION OF EXISTING BARN AND CONSTRUCTION OF FOUR NEW RESIDENTIAL DWELLINGS FOR MR & MRS DAVID LEECH**

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

Note: Councillor B Adams (on behalf of Church Lawton Parish Council), Mrs B Barber and Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. Time Limit
2. Approved Plans
3. Submission of Materials
4. Contaminated Land Investigation
5. Tree Protection Measures
6. Submission of detailed Construction Specification/Method Statement
7. Submission of full details of both hard and soft landscape works
8. Implementation of the approved landscaping plan
9. Submission of boundary treatment
10. The hours of construction (and associated deliveries to the site) restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations
12. Submission of breeding bird survey
13. Removal of permitted development rights Classes A< B< C< D and E of Part 1 Schedule 2
14. Prior to the commencement of development all the existing buildings and hardstanding within the application site and the land edged blue

on the location plan submitted with the application shall be demolished and all materials used in their construction shall be removed from the site. The land edged blue shall then be restored to a paddock in accordance with details to be submitted and shall not be used at any time as domestic curtilage.

15. Prior to the first commencement of development the existing business on site shall be relocated to an alternative site within the Borough of Cheshire East.
16. Submission of full details of the drainage system

182 **13/1097N LAND ON NEWTOWN ROAD, SOUND: THE ERECTION OF A DETACHED PROPERTY, DOUBLE GARAGE AND ASSOCIATED ACCESS PROVISION FOR PAUL BRADBURY**

Note: Dr P Griffiths (on behalf of Sound & District Parish Council), Mr D Lowe (on behalf of a local representative group), Mrs R High (objector) and Mr P Bradbury (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 update by the Principal Planning Officer confirming the increase in the depth of the dwelling to be 0.675m.

The meeting was adjourned for two minutes during the debate to enable officers to confirm the increase in size of the garage, during which no Members left the room.

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

1. The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would create an overbearing feature within the streetscene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the design advice within the NPPF.
2. The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would have an adverse impact upon the amenity and living conditions of neighbouring occupiers in particular Corner Cottage, contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and paragraph 17 of the NPPF.

183 **13/0673N OVERWATER MARINA, COOLE LANE, NEWHALL, CHESHIRE CW5 8AY: VARIATION OF CONDITION 22 ON APPROCAL P08/1239 RELATING TO THE USE OF THE CAFE/SHOP FOR JANET MAUGHAN**

Note: Councillor P Groves left the meeting prior to consideration of this application.

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. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed.
11. No hire boats available from the marina without the prior submission and approval of a planning application

184 **13/0765C OLD FODEN WORKS, TRAINING CENTRE, HILL STREET, SANDBACH, CHESHIRE CW11 3JE: EXTENSION TO TIME LIMIT OF OUTLINE PLANNING APPLICATION 09/3337C FOR DEMOLITION OF EXISTING INDUSTRIAL UNIT, CLEARANCE OF SITE AND REDEVELOPMENT BY THE ERECTION OF RESIDENTIAL UNITS FOR CIC: COMMUNITY INTEGRATED CARE**

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

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to confirmation whether a Deed of Variation to a Section 106 Agreement was required and the following conditions:

1. Reserved to be submitted
2. Time limit for Submission of Reserved Matters
3. Standard time limit for implementation
4. Contaminated Land Investigations to be carried out

185 **13/0992N LAND OFF ST ANNES LANE, NANTWICH: VARIATION OF CONDITIONS (PLANS) ON APPLICATION 12/1989N - RESIDENTIAL DEVELOPMENT COMPRISING 24 DWELLINGS INCLUDING ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS FOR P. E. JONES (CONTRACTORS) LTD**

Note: Councillor S Davies left the meeting prior to consideration of this item.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions and the satisfactory completion of a deed of variation of the S106 Agreement for 12/1989N:
1. Standard time – 3 years
 2. Materials to be submitted to the LPA and approved in writing
 3. Submission of an amended landscaping scheme to be approved in writing by the LPA
 4. Implementation of the approved landscaping scheme
 5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1
 6. Boundary treatment details to be submitted to the LPA and approved in writing
 7. Remove PD Rights for extensions and alterations to the approved dwellings
 8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
 9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
 10. Drainage scheme to be submitted and approved in writing
 11. Development to be carried out in accordance with noise mitigation report

12. 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
 13. 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
 14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
 15. Completion of the proposed off-site highway works
 16. Windows, doors and gutter details to be approved in writing
 17. All bathroom and en-suite windows to be obscure glazed and non opening
 18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.
 19. Construction method statement
 20. Approved plans (as amended)
- (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.

186 **PROPOSED DEED OF VARIATION TO THE SECTION 106 AGREEMENT TO ALLOW FOR A WIDENING OF THE ELIGIBILITY CRITERIA - P03/1059 - WEIR COTTAGE WARMINGHAM**

The Chairman reported that this item had been withdrawn prior to the meeting.

187 **TREE PRESERVATION ORDER AT THE OLD VICARAGE, CREWE ROAD, WINTERLEY**

Note: Mrs C Ashley (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above tree preservation order.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Sandbach – The Old Vicarage, Crewe Road, Winterley No2) Tree Preservation Order 2013 be confirmed, subject to the following modifications being made in red on the TPO map to reflect the true positions of the trees:

The trees labelled on the original map attached to the Order referred to at Committee shall be transposed as follows:

The Beech identified as T1 on the map shall be labelled T2 and the Beech identified as T2 on the map shall be labelled T1 to accurately identify their situation as described in the TPO schedule.

The meeting commenced at 2.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)

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Application No: 13/1064C

Location: HOLMES CHAPEL COUNTY PRIMARY SCHOOL, MIDDLEWICH ROAD,
HOLMES CHAPEL, CHESHIRE, CW4 7EB

Proposal: Construction of pre-fabricated pre-school and associated external works.

Applicant: Mr Michael Hall, Happy Days Club & Nursery School

Expiry Date: 14-May-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle
Design
Amenity
Traffic and Parking

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee due to considerable public interest and call in by Councillor Gilbert *"to consider the impact on local residents of additional traffic"*.

DESCRIPTION OF SITE AND CONTEXT

The application relates to Holmes Chapel Primary School that is situated on Middlewich Road, the main route leading out of Holmes Chapel to junction 18 of the M6 Motorway. The school site is situated within the Settlement Zone and the site is a protected by area of open space/recreational facility by way of policy RC2 of the Congleton Borough Local Plan. Residential properties bound the application site to the north, south and east. The school grounds are immediately abutted by public footpaths that run to the rear of the residential properties.

DETAILS OF PROPOSAL

The application relates to the provision of a single storey prefabricated building to accommodate the relocation of Happy Days Club & Nursery School. Happy Days is a private nursery providing nursery care for children from 2 years of age on both a full time and part time basis with extended day care available from 8.00 am to 6.00 pm Monday to Friday. Happy Days also provide out of school and holiday clubs. The business is presently located at Holmes Chapel Comprehensive School but the lease on that site is not being renewed. A temporary permission is sought for three years.

The proposed building would be positioned to the northern boundary of the school site on what is, presently, school playing fields immediately adjacent to a footpath that runs along the northern boundary and immediately to the rear of houses on Bessancourt. The building would consist of 7 conjoined portacabins and would be 21 metres long, 12 metres deep and 3.5 metres high with a flat roof. This would provide 245 square metres of floorspace to accommodate provision for approximately 50 children. Two external play areas are proposed of 176 square metres.

There is an existing pre-school facility on site provided by a community organisation and the new facility would be immediately to the east along the footpath boundary

PLANNING HISTORY

Numerous applications on site but most recent and relevant are:-

13/0133C – Extension of time (to 02/01/16) to previous approval (07/1102/FUL) for temporary planning permission for existing pre-school building (Holmes Chapel Community Pre-School) – Approved 29th April 2013

07/1102/FUL – Temporary permission for existing pre-school building – Approved 8th January 2008.

POLICIES

National Planning Policy

National Planning Policy Framework

Congleton Borough Local Plan First Review 2005

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

RC2 (Protected Areas of open Space)

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objection.

Jodrell Bank: No comment on the application

Sport England: Originally lodged a statutory objection to the application but has now withdrawn the objection due to the temporary nature of the consent sought and on the basis that any permission attaches conditions related to reinstatement and maintenance of the playing field (football pitch).

Environmental Health: No objection subject to conditions suggested in relation to hours of construction and advisory note in respect of contamination.

VIEWS OF HOLMES CHAPEL PARISH COUNCIL

Object because it does not appear that the applicants have given sufficient attention to car parking and facilities for dropping off and collecting children. Consideration needs to be given to effect on residents in neighbouring roads.

OTHER REPRESENTATIONS

Over 70 representations and a petition objecting to the proposal and raise the following;

- Noise and disturbance caused by activity, congregation of people on footpath and loss of tranquillity to rear of Bessancourt. Houses.
- Visual intrusion of an ugly prefabricated building combined with a loss of open outlook.
- Building would be imposing and highly visible
- Loss of privacy for Bessancourt residents
- Loss of open space and outdoor play space
- Reduction in size of football pitch
- Already a facility on site and the proposal is a commercial activity
- Other viable sites and alternative locations in the vicinity
- Alarm system would cause disturbance
- Would result in an unacceptable increase in traffic and parking problems that already exist that are a result of school traffic near to the site
- Car parking related to school drop off and pick up already a problem
- No safe place to cross Middlewich Road
- Poor access for emergency vehicles

Over 70 representations of support for the proposal have been received and raise the following:-

- Excellent local facility essential for working parents who rely on this provision.
- Would support school enrolment
- The claims over traffic problems are exaggerated and they are short-lived at school start and end times.
- Maintain local employment
- Would aid traffic as movement on one site with fewer journeys to school at one time as proposal would spread vehicular movements.
- More people will walk to facility
- Has support of Holmes Chapel Primary School
- Strong links with school

This is a brief summary and the full contents of these extensive representations are available to view on the Councils website.

SUPPORTING INFORMATION

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

The school site falls within the Holmes Chapel Settlement Zone Line and the proposed development would be situated within the Settlement Zone Line. The site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss.

The proposal does undoubtedly result in the loss of usable open space and was initially subject to an objection from Sport England. However, the applicants submitted a drawing to indicate that a (reduced in size) football pitch can be repositioned in the remaining playing field space and the amended plan has now satisfied Sport England on the basis that only a temporary permission for three years is granted and a condition attached to restore the land back to a condition back to a playing field. As a result, it is considered that, on balance, it would not result in a local deficiency in the quantity and range of open space and the proposal would comply with policy RC2 (Protected Areas of Open Space).

There is some synergy and sustainability in locating such a use; a use that is school related; within the ground as many children who use the facility will attend the primary school now and in the future.

The key considerations in the determination of the application is therefore whether or not the proposal complies with Local Plan policies GR1 (New Development), GR2 (Design) and GR6 (Amenity and Health).

Design

The existing school complex includes a range of permanent and temporary buildings of no specific character. The proposed development is bland but temporary and functional by nature. A planning condition should ensure that sympathetic and unobtrusive colouring is used. The building would be of a similar height to the two nearby school adjacent buildings, that are also temporary in visual style, and the scale of the development would sit acceptably on the application site in that respect although it is accepted there would be some loss of open outlook to adjacent houses. However, it is considered that the temporary nature of the permission sought is exactly that, for 3 years, and the applicants should prepare a future solution that is more attractive in design and site planning terms and returns the site to usable playing field as specified by Sport England in their consultation response.

In design terms therefore, it is the view that the proposal would be acceptable having regard to Local Plan policies GR1 (New Development) and GR2 (Design).

Amenity

The main impact would clearly be from the proposed building being sited to the north of the site and immediately adjacent to the footpath that abuts the rear boundary of houses on Bessancourt. There would be a separation distance of approximately 18 metres from the nearest point of the proposed building and the nearest houses on Bessancourt. Therefore, the proposed building would be clearly visible from the rear upstairs windows and would change

the outlook for a number of houses on Bessancourt. However, the proposal is effectively single storey, and for a school type use within school grounds and in that context it is not considered that the proposal could be refused on the grounds of visual amenity.

The nature of the proposed use and the location, the scale of the development and the hours of operation has been assessed. It is not considered that there would be such a detrimental impact to neighbouring residential amenity to justify refusal on the basis of a temporary permission of three years that would enable activity on the site to be monitored prior to any further submission on the site in the future. The hours of operation would be subject to a planning condition limiting it to 8.00 pm to 6.00pm Monday to Friday.

The concerns raised about construction disturbance have been noted and a condition will be attached at the request of the Environmental Health Officer to control the time of construction works.

As such, the elements of the scheme are small-scale and should not have a significant impact on neighbouring residential amenity over and above the existing site arrangements. The proposal would comply therefore with Local Plan policy GR6 (Amenity and Health).

Highways

The Highways Manager raises no objection to the scheme as the applicant has provided information regarding the drop off and collection of pupils in association with the proposal and is satisfied that it would not directly correspond with standard drop-off/collection periods. The school state they are willing to allow drop off and collection to take place within the car park outside of the standard school day. There is also an arrangement in place to utilise the car park of the George and Dragon Public House.

It is likely that the activity would be spread so not to significantly exacerbate any inconvenience for local residents who live near the site. It remains school related activity. New pedestrian access entrance and exit gates are proposed onto the footpath to serve the development.

Other issues

Details of lighting and any alarm systems will be controlled by condition.

CONCLUSIONS

It is considered that the application proposes an acceptable form of development but only on a temporary basis for 3 years. In this context it is unlikely to permanently and overly impact upon the open space and significantly impact on neighbouring residential and visual amenity. Therefore, it is considered that the proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval.

RECOMMENDATIONS

1. Temporary 3 years
2. Approved Plans
3. Colour of materials to be agreed
4. Hours of Operation limited to 08.00 until 18.00 Mondays to Fridays

5 External lighting and alarm details to be submitted and agreed with the LPA

6. The hours of noise generative / construction works taking place during the development (and associated deliveries to the site) shall be restricted to:

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

Application for Full Planning

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Application No: 11/3349C

Location: PLOT 1, LAND ADJACENT TO, 6, HEATHEND ROAD, ALSAGER, ST7 2SQ

Proposal: SINGLE DETACHED DWELLING ON LAND ADJACENT TO NO. 6 HEATH END ROAD

Applicant: MR ADRIAN GIRVIN

Expiry Date: 28-Oct-2011

SUMMARY RECOMMENDATION: Approve subject to conditions and the completion of a Section 106 Agreement to ensure the future protection of Great Crested Newt habitat.

MAIN ISSUES:

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

REASON FOR REFERRAL

Called in by Councillor D Hough on the grounds that:

- “1. The effect on removal of rubble from the site on the Oak Tree. The Oak tree has a TPO.*
- 2. The effect of the drain going down the drive and the effect on the Oak Tree. The alternative drain may not be available due to land ownership issues.*
- 3. The newt mitigation issue is incomplete with other local ponds not being surveyed.”*

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land approximately 0.3ha in size, situated between two residential properties. The site contains a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The eastern side of the site is a grassed area with open countryside to the north and residential properties to the east. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

There have been several unsuccessful applications for residential development on this site, details of which are listed in the report. However Southern Planning Committee approved an application in March 2011, for a detached bungalow with a detached double garage. This was subject to a Section 106 Agreement to ensure the protection of Great Crested Newts, which has now been completed.

DETAILS OF PROPOSAL

The proposal is for the erection of one split level dwelling with a detached triple garage, sited within the grassed area of the site, with access being taken from Heath End Road. The dwelling would provide five bedrooms, two with en-suite and a separate bathroom in the roof space. On the ground floor there would be a large kitchen with living area and conservatory, a lounge, dining room, play room, music room, utility and hallway. There would also be an underground basement level which would house a swimming pool, gym and games room, leading on to a sunken terrace. The external finishes of the building would consist of rendered wall with stonework details to the doors and windows and the roof would be clad in Staffordshire blue/black roof tiles.

The ground floor footprint of the proposed dwelling would be just under 27 metres wide, 16 metres deep at the widest point, with a roof height (measured from ground level) of 7.1 metres at the highest point. The garage would be sited in the south eastern corner of the plot and would be 8.5 metres wide, 6 metres deep, with a roof height of just less than 6m when measured from ground level. It would have accommodation in the roof space for a hobby/study room which would get natural light from two dormer windows that would face on to the driveway and wooded area.

The overall ridge height of the proposal is the same as the previously approved scheme. However, the additional accommodation is achieved through a reduction on ground levels on the site by up to 1m in places.

RELEVANT HISTORY

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings
33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 5 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings
10/0815C	2010	Withdrawn application for the erection of 2 dwellings
11/0217C	2011	Approval subject to s106 for bungalow and detached garage

POLICIES

National Guidance

National Planning Policy Framework (March 2011)

Congleton Borough Local Plan First Review 2005

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

GR1 – New Development

GR2 & GR3 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation

NR3 - Habitats

SPG2 – Provision of Private Open Space in New Residential Developments

SPD14 – Trees and Development

Other Material Considerations

BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSIDERATIONS (External to Planning)

Environmental Health:

Recommend that conditions be imposed relating to land contamination and hours of construction and pile driving.

Highways:

This new access will require a properly constructed vehicular crossing which complies with Cheshire East Council authority standards.

The Strategic Highways Manager recommends that any planning permission which may be granted have the following informative attached:

Informative: Prior to first development the developer will enter into and sign a Section 184 Agreement with Cheshire East Highway Authority with regard to the construction of the new vehicular crossing.

Natural England

(15th November 2011 Letter to Councillor Robinson)

Firstly, it should be noted that Natural England has not been consulted on this application. It is usual for Cheshire East to not consult Natural England about such cases, where we are not a Statutory Consultee. In this instance the Local Authority will have determined that the advice we have provided on our website is sufficient for them to make the correct decisions about developments that have the potential to impact on Protected Species.

We are aware that we have already provided comments to a concerned resident about the issues of GCN in the area of the proposed development (email from Duncan Brown sent to Tracey Greenhough). In this correspondence we stated that the methodologies to be employed by the applicant's ecological consultant would require a licence.

It is the responsibility of the Local Authority to be satisfied with the mitigation strategy for any protected species and that it would be necessary to determine if the planning application had sufficient information on which to base their decision on whether to grant planning permission. In addition they should also have reasonable confidence that Natural England would grant a licence based on the information provided by the applicant.

It is not the responsibility of Natural England to make a decision on whether a development is appropriate or not. This lies solely with the Authority. If the Authority are concerned about a particular development and its effect on protected species, and our Standing Advice does not sufficiently cover issues posed within an application, we are here to provide additional advice.

Based on the information provided in the planning application documentation, it is clear that the strategy proposed is not sufficiently detailed at this time. As such the Authority would need to ensure that the strategies to be employed, sufficiently mitigate against impacts on GCN.

(19th April 2013 to Cheshire East)

We have reviewed the document titled 'Review Report - Ecology' and can confirm that the advice given to your Authority in our response issued to Councillor Robinson on 11 November 2011 remains valid. We further reference our correspondence with your Authority on 7 December 2011 and with the applicant's ecologist (9 January 2012) where we provide clarification on our comments made in the letter of 11 November 2011. We wish to remind you that the responses provided were for advice only and that they were based upon conversations between me and my colleagues in our regulation team. We would like to point out that the advice we have provided is consistent with our written guidance on our website in that we have referred to standing advice and the relevant flow charts and species guidance but as the original response was to Councillor Robinson, and subsequent correspondence with you and the applicant we considered it more appropriate to be clear why we provided the advice that we did rather than through a standard letter response. **However, the overall decision to permit the development lies with your Authority and you are not obliged to take the advice of Natural England.**

For the purposes of clarity we remind you that [The Conservation of Habitats and Species Regulations 2010](#) (As Amended), usually referred to as the 2010 Habitats Regulations, implement Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) into national legislation. Article 12 of the Habitats Directive contains a range of prohibitions seeking to protect certain species (European Protected Species). Those prohibitions include deliberate capture or killing and deliberate disturbance. Article 16 provides for a number of circumstances in which a Member State may derogate from the obligations in Article 12. The Habitats Regulations (Regulation 41) make a breach of the Article 12 provisions a criminal offence. The derogations contained in Article 16 are implemented by way of a licensing regime (Regulation 53) which can make an activity that would otherwise be an offence, lawful if carried out in accordance with a licence.

Under regulation 9 (5) of the 2010 Habitat Regulations your Authority, in exercising any of your functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". A Planning Authority is a competent authority for the purposes of these Regulations and is exercising a function in deciding whether or not to grant planning permission.

In determining whether or not to grant a licence Natural England must apply the requirements of Regulation 53 of the Regulations and, in particular, the three tests set out in subparagraphs (2)(e), (9)(a) and (9)(b).

(1) **Regulation 53(2)(e)** states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

(2) **Regulation 53(9)(a)** states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".

(3) **Regulation 53(9)(b)** states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

We trust this response is sufficient for your Authority to be clear about Natural England's position and that we stand by our previous advice. The decision and responsibility rests entirely with your Authority on whether to grant permission and confirmation that proposed non-licensable method statement will not offend against Article 12 of the Habitat Directive. The applicant and his ecologist also have the responsibility to ensure that they are compliant with the 2010 Habitat Regulations once permission has been granted (should permission be granted) throughout the construction and post construction process.

VIEWS OF TOWN/PARISH COUNCIL

The Town Council has no objections to this application. The application has a large basement that will require the removal of a large amount of soil, the Town Council ask that this is removed safely from the site with as little disruption to the residents as possible. The Town Council ask that if approval of the plan is granted that any conditions put on the application by Cheshire East are enforced, especially with regard to the protection of the Great Crested Newt population on the site.

OTHER REPRESENTATIONS

The application has generated significant correspondence, initially expressing the concerns below:

- Question the ability of the proposed surface of the driveway to carry heavy traffic without impact on trees
- Large trucks would not be able to safely access site without damage to trees due to width of drive
- Adverse impact on Great Crested Newts
- Bias within ecological surveys
- No pond survey at neighbouring property

- Inaccuracies within GCN survey data
- Access being sited on a 'dangerous' bend
- Design out of character with the area
- Excessive height of the proposal
- Previous approval removed permitted development rights for alterations to the roof
- Overbearing nature of the proposal
- Design not of a domestic scale rather a 'monster cottage'
- Overlooking of neighbouring garden
- Loss of garden land
- Excessive roof height and scale of the proposed bungalow
- The Council should not be wasting money by accepting a further application on this site
- Impact that basements have on the local water table
- Conflict between the tree protection measures and the Great Crested Newt mitigation strategy

In addition, two petitions have been submitted, one with approximately 94 signatures and one with approximately 57 signatures.

The neighbours at number 6 Heath End Road have also expressed numerous concerns about the application and have commissioned reports on the effect of the development on the protected trees that question the reports put forward by the applicant. These issues are addressed in the body of the report.

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The National Planning Policy Framework states the following:

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

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

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

The site is designated as being within Settlement Zone Line of Alsager and as such there is a general presumption in favour of development provided it is in keeping with the Town's scale and character and does not conflict with other policies of the local plan.

This proposal is for one dwelling, of a split level design with a detached garage. In 2011, Committee resolved to grant consent for a detached bungalow with detached garage on a very similar footprint and with a very similar roof height to that proposed, albeit with an increase in the eaves height. This proposal would create a dwelling with a much increased level of accommodation; however, externally the visible massing would be very similar to that approved. Given these factors, the proposal is considered to be acceptable in principle.

Layout and Scale

The proposal is for a detached split level dwelling that would be sited in the north eastern part of the site. The surrounding development has varying layout patterns including semi-detached properties in a linear form and large detached dwellings set in substantial plots. Concerns have been expressed over the size of the proposed building, however it should be noted that the ground floor footprint would be very similar to that approved and a large proportion of the rooms would be accommodated in the roof space and underground. As such it is considered that its external appearance would be in keeping with the character of the surrounding development. It is therefore considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

The proposal is for a building that would be constructed of rendered blockwork with stone plinth details and window surrounds and Staffordshire Blue/black clay roof tiles. As stated previously, the proposal would provide a much increased level of accommodation, however this would be mostly within the roof space and basement, minimising its visual impact. Overall given the variety of property designs in the vicinity of the site including bungalows and two-storey properties it is not considered that the design of the proposed dwelling would be out of keeping with the character of the area.

Concerns have been raised over the height of the building; however the height would not exceed that already approved by Committee. As indicated previously, the additional accommodation is achieved through a reduction in land levels across the site. The submitted plans show a reduction in land levels of between 0.2m – 1.1m across the site. Due to the existing sloping nature of the site, it is not considered that these reductions will cause any significant harm to the character of the area.

As such in terms of appearance this is not considered to be a reasonable reason for refusal of the application.

Amenity

There are four residential properties that share a boundary with the site, numbers 6 and 8 Heath End Road, number 21 Rydal Way and number 21 Pikemere Road and the impact on the amenities of these properties must be given careful consideration in the determination of this application. Number 8 Heath End Road would be in excess of 40 metres away from the proposed dwelling and it is therefore considered that there would not be an adverse impact on the residential amenities of this property. Having regard to number 6 Heath End Road, the

nearest window facing this property would be in excess of 22 metres away and as such would meet the requirements of Supplementary Planning Document 2: Private Open Space. Number 21 Rydal Way would also be in excess of 22 metres away from the proposed new dwelling and having regard to this property, it is not considered that there would be any adverse impact on the amenities of its occupiers. The dwelling would be partly sited adjacent to the rear garden of 21 Pikemere Road, however given the length of this garden and the provision of suitable boundary treatments, it is not considered that there would be any significant adverse impact on the amenities of the occupiers of this property.

Highways

The Strategic Highways Manager has submitted no objections to this proposal on highway safety grounds, subject to a properly constructed vehicle crossing. It should be noted that a previous application was subject to appeal in 2002 (33264/3). This appeal was dismissed and one of the reasons given was that there would be an adverse impact on highway safety. However that proposal was for 5 dwellings and the Inspector emphasised that the number of dwellings proposed informed her decision, as such given that this proposal is only for 1 dwelling and in the absence of objections from the Strategic Highways Manager, it is considered that a refusal on these grounds would not be sustainable.

Ecology - Protected Species & Nature Conservation

The site has been identified as containing a habitat for Great Crested Newts and reports have been submitted to inform the assessment of this issue. The Nature Conservation Officer has visited the site and assessed the submitted reports. The conclusions drawn from this are that provided that the mitigation proposals are completed in full, adverse impacts on protected species will be negligible and in particular the viability of the Great Crested Newt population at the location should be sustainable. The habitat enhancements must however be secured for the longer term by completion of a Section 106 Agreement ensuring that the future management of this part of the site will be controlled.

Natural England have also commented on this application and stated that the methodologies to be employed by the applicant's ecologist would require a licence. This has been challenged by the applicant in his additional ecology report which highlights the fact that the decision to grant planning permission lies with the Local Planning Authority and that his ecologist considered that a licence would not be required. This conclusion and the proposed mitigation have been assessed by the Council's ecologist both in terms of this application and the previous approval (11/0217C) and are considered to be acceptable. As with the previous approval it is recommended that this is secured by a Section 106 legal agreement.

Natural England has submitted additional comments (as detailed above) stating that the previous response was provided for advice only, to a local councillor who had contacted them. They maintain that the advice they gave was consistent with the written guidance on their website, but that a planning authority is a competent authority for the purposes of the regulations and that they are not obliged to take the advice of Natural England. This response also makes clear that the applicant and his ecologist also have the responsibility to ensure that they are compliant with the 2010 Habitat Regulations once permission has been granted.

A protected species report was submitted with the application, which identified the presence of a Great Crested Newt eggs in Pond 1.

In the absence of mitigation / compensation, the proposed development would have a significant adverse impact upon Great Crested Newts through degradation of the pond within the site during construction and if the land is managed as a domestic garden and excessively tidied contrary to Natural England Guidelines.

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

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

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 it is considered that, in the absence of the satisfactory mitigation/ compensation, the proposed development has the potential to have a localised adversely impact on a European protected species, namely Great Crested Newt (GCN).

The outline mitigation proposals have been reviewed by the Council's ecologist and who is satisfied subject to further agreement on the detail, that the proposed measures will provide

satisfactory compensation, and that the conservation status of the local population will not be diminished and may well be enhanced. The site currently offers suboptimal opportunities for GCN, and based on completed surveys numbers on site are at best low.

The mitigation measures for Great Crested Newts and breeding birds as set out in the supporting ecological appraisal report shall be implemented in full and this should be controlled by condition. Details of the GCN mitigation proposals, including the design of the new pond, restoration of existing pond, habitats enhancements and creation of amphibian hibernacula will need to be agreed with the Council prior to commencement of development.

Natural England has stated that a more detailed strategy is required and that the Council will need to ensure the strategies to be employed, sufficiently mitigate against impacts on GCN. This will be secured by condition and the s106 Agreement.

Overriding Public Interest

There is a pond within the site which is identified in the GCN survey as being below average suitability to host Great Crested Newts. If the site is not developed it is possible that the suitability may deteriorate further and if the requirements of the Section 106 Agreement linked to application 11/0217C are applied to this proposal the habitat would be enhanced and preserved.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No development on the site and the habitat deteriorating further.

No Development on the Site

There would be no requirement to manage the site and provide the additional pond, which would not be of benefit to the Great Crested Newt population.

Concerns have been raised about the impact of excavations for the basement on the water table and in turn on the pond. The Section 106 Agreement would ensure that should the pond be affected adversely, steps would have to be taken to address this.

Trees and Landscape

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

A Method Statement has been submitted with the application detailing proposed works to the trees, their protection during construction, and the specification for the driveway including special construction techniques. During the application process some changes were made to this at the request of the Landscape Officer. The measures laid down in the Method Statement are considered to be acceptable and will serve to protect the health of the trees. It is also considered necessary to impose conditions requiring submission of detailed landscape plans for the site.

It has been highlighted that newt fencing could damage the roots of trees on the site. The purpose of burying the fence by 20 cm is to stop Great Crested Newts from “burrowing” under the fence. This can be achieved by careful hand digging in the outer areas of the root protection zone and where necessary turning the base of the fence outwards and burying it with locally sourced material. As such this method is considered to be acceptable.

The Principal Forestry and Arboricultural Officer of the Council has carefully assessed all the submitted information, both from the applicant, and that commissioned by the neighbour and is satisfied that the construction of the driveway/ tree protection measures can reasonably be dealt with by condition satisfying the tests in Circular 11/95.

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, securing the protection of the habitat of the Great Crested Newts would help to make the development sustainable and is a requirement of local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. It is therefore recommended that the application be approved subject to the completion of a Section 106 Agreement ensuring that the future management of the site will be controlled and subject to the following conditions:

RECOMMENDATION:

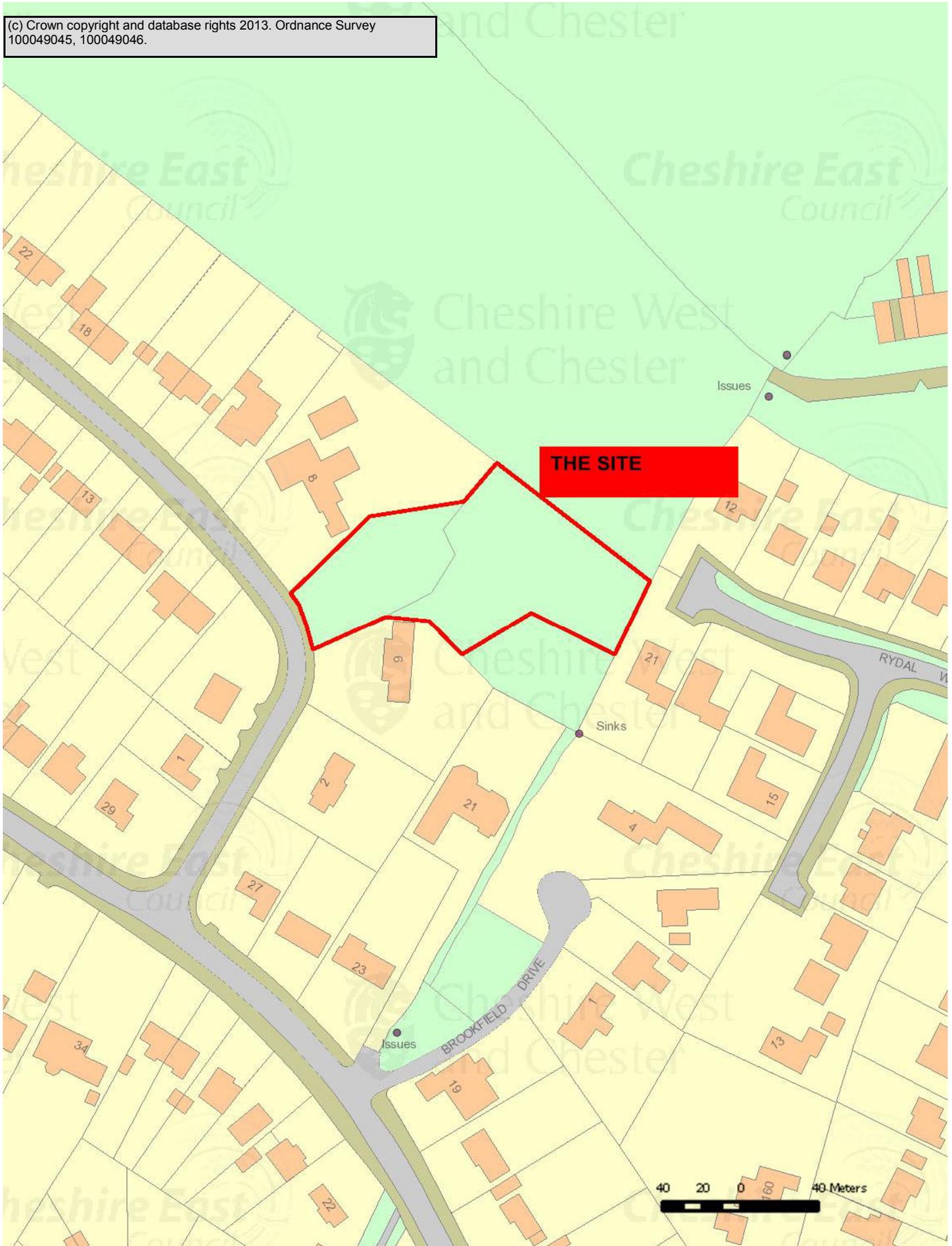
Approve subject completion of a s106 Agreement to ensure that the Great Crested Newt Mitigation Strategy is implemented to ensure the future protection of the Great Crested Newt habitat and that the site is managed in accordance with that strategy going forward and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of a Phase 1 land contamination survey**
- 5. Limits on hours of construction (8am to 6pm Mon-Fri, 8am to 1pm Sat, no working Sun or public holidays)**
- 6. Limits on hours of piling (as above)**
- 7. Submission of detailed landscaping scheme**
- 8. Implementation of landscaping scheme**

- 9 Retention of trees shown as being retained on the submitted plans**
- 10 Submission and implementation of a drainage scheme**
- 11 Submission and implementation of tree protection scheme**
- 12. Submission of arboricultural method statement**
- 13. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 14. Submission and implementation of details of bat and bird boxes**
- 15. Compliance with the Great Crested Newt Mitigation Strategy**
- 16. Submission of additional details of GCN mitigation, including design of new pond, restoration of existing pond**

Application for Full Planning

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Application No: 12/4318C
Location: Land Adjacent to Sandyacre, 51, Main Road, Goostrey, Crewe, CW4 8LH
Proposal: Construction of 3 new houses adjacent to Sandyacre
Applicant: Mrs Alison Rose
Expiry Date: 07-Jan-2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Residential Amenity
- Trees and Landscape
- Highway Safety
- Design and Layout
- Sustainability

REASON FOR REPORT

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

"The application is "a significant development within the village"

DESCRIPTION OF SITE AND CONTEXT

The application site is a field situated off Main Road Goostrey. The site sits just outside of the Settlement Zone for Goostrey adjacent to the eastern edge.

To the west of the site lie the residential dwellings of Sandy Lane, while to the east lie dwellings 61 and 61A main Road. To the north are open fields with Main Road passing to the south. The site is bordered to the east and west with a mature boundary hedge. The site contains trees protected under Tree Preservation Orders.

DETAILS OF PROPOSAL

This is a full planning application seeking approval for three two-storey detached dwellings with access being taken from the existing field access off Main Road.

The dwelling occupying plot one will have a roof ridge height of 8.3 metres, plot two 8.6 metres at the highest point and plot 3 8.4 metres at the highest point.

RELEVANT HISTORY

2558/3 – Two detached houses – refused 1975

29439/3 – Erection of stable block and use of land for keeping horses – approved with conditions 1997

POLICIES

Conlepton Borough Local Plan First Review 2005 Policy

GR 1 – New Development

GR 2 – Design

GR 4 – Landscaping

GR 6 – Amenity and Health

GR 9 - Accessibility, Servicing, and Parking Provision

NR1- Trees and Woodland

NR 3 – Habitats

PS 5 - Settlements in the Open Countryside and Green Belt

PS 10 – Jodrell Bank Radio Telescope Consultation Zone

Interim Planning Statement: Affordable Housing

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health

No objection with the following recommended conditions:

- Hours of constructional operation:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil
- Hours of pile driving :

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil
- Major Development Environmental Management Plan
- Contaminated Land Assessment

United Utilities

No objections

Highways

It is proposed to construct 3 new dwellings on a green field site off Main Road, Goostrey.

The access uses the position of an existing field gate access, there is adequate visibility available at the access point for the level of development proposed. The access is a private drive access serving the 3 units and there is more than sufficient off-street parking being provided at each unit.

Although, it has been indicated that the site is sustainable, it is not considered in transport terms that it is sustainable as a very limited bus service exists and it is a considerable distance from the railway station. However, as the development consists of only three units this is not considered a severe impact issue to reject the application.

There are no highway objections raised to the application.

University of Manchester (Jodrell Bank)

No objections subject to condition requiring the applicant to incorporate materials to help reduce electromagnetic interference.

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects on the following grounds:

1. The land in the application is open countryside.
2. The suggestion in the design statement that the land is generally flat is incorrect. The topography is in fact raised especially to the right hand side, where there is a proposal for a large house that will over shadow the bungalow next door.
3. The scale of all of the buildings are much larger than the surrounding bungalows and dormer houses.
4. The design of the properties is not in keeping with a Rural Cheshire village. These types of properties are more suited to Urban Cheshire, i.e. Alderley Edge, Wilmslow, Knutsford etc. Rural villages do not need homes surrounded by 6ft high brick walls and large gates.
5. A previous planning application has been made on the site for low cost housing. This was refused by Congleton Borough Council.
6. The sustainability statement suggests that there is adequate public transport to access medical facilities in Holmes Chapel, this is not the case as the village circular bus would leave a wait of over two hours to return, assuming that you can register with an already overloaded medical centre and obtain an appointment at your time of choosing.
7. There would be an increase of at least 6-8 cars with the development and on present practices the majority with children would drive to the village school, here there is no public parking available.

OTHER REPRESENTATIONS

16 letters of representation have been received from local residents, with 3 objecting for the following reasons:

- Detract from rural appearance of the village
- Impact upon rural views
- Domination of 61 Main Road and the main Road Frontage
- Safety of access
- Low demand for houses in Goostrey
- Effect upon light and privacy of 61A Main Road, and

13 supporting the application for the following reasons:

- Plot is situated between two houses
- Site is easily accessible
- Existing hedge will screen most of the development
- Good amenities in Goostrey
- Good size houses sized family houses
- Low density high value housing
- Development is of architectural value
- Limited impact on the village
- Good use of underutilised land
- Development would enhance the village
- Development in keeping with surrounding area
- Low environmental impact
- Proposed houses are not close to boundaries of neighbouring properties
- Adequate car parking space within curtilage
- Land not registered as being of any scientific or environmental importance
- Proposal would prevent more intensive development in the future
- Environmentally sensitive and energy efficient construction
- Enhance the village and support local businesses

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Planning Statement
Sustainability Statement
Tree Survey

OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005, where policy PS.8 (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 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*”.

Housing Land Supply

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning 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”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the (now revoked) Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012 the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document is to be considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However the Council has a duty to consider applications on the basis of the information

that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy PS.8, which protects Open Countryside, is out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore the principle of residential development on the application site is not acceptable due to the detrimental impact upon the openness of the Open Countryside.

Sustainability

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable and is in close proximity to a number of services.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The table below has been carried out by the Spatial Planning department using a traffic light system.

Facility	Land adjacent 51 Sandyacre, Main Road, Goostrey,
Convenience Store (500m)	320m
Post box (500m)	320m
Playground / amenity area (500m)	320m
Post office (1000m)	645m
Bank or cash machine (1000m)	320m
Pharmacy (1000m)	640m
Primary school (1000m)	1125m
Medical Centre (1000m)	4665m
Leisure facilities (leisure centre or library) (1000m)	805m
Local meeting place / community centre (1000m)	805m
Public house (1000m)	1125m
Public park or village green (larger, publicly accessible open space) (1000m)	805m
Child care facility (nursery or crèche) (1000m)	645m
Bus stop (500m)	645m
Railway station (2000m where geographically possible)	1770m

The application site lies adjacent to the western section of the Goostrey Settlement Zone, as such the applicant has submitted a sustainability assessment of the site in terms of its location. This assessment meets most of the criteria as set out within the toolkit. Therefore, as the site lies on the edge of the Settlement Zone and relates well to an existing residential area the proposal can be considered sustainable in the context of any housing development within the parish.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

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. The location of this proposal on the edge of the Settlement Zone, close to other dwellings, is not considered to be of an isolated nature.

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.

The Interim Planning Statement: Affordable Housing states the following about windfall sites in settlements with populations of less than 3,000 -

“The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%”.

For the Strategic Housing Market Assessment 2010 the settlement of Goostrey is within the Holmes Chapel Rural sub-area where there is an identified need for 45 new affordable dwellings between 2009/10 – 2013/14, made up of an annual requirement for 6 x 2 beds, 1 x 3 bed and 2 x 1/2 bed older persons dwellings.

In addition there are also 30 applicants on the housing register with Cheshire Homechoice who have selected Goostrey as their first choice, these applicants require 5 x 1 bed, 13 x 2 bed, 7 x 3 bed and 1 x 4 bed. 4 applicants haven't specified how many rooms they need.

With the above in mind the application consists of 3 dwellings, as the population of Goostrey is under 3,000 there should be a proportion of affordable housing within the site. The general minimum proportion for any site will be 30%, in this case this would equate to one dwelling.

As this application does not include a provision for a proportion of affordable then it is contrary to The Interim Planning Statement: Affordable Housing.

Design and Appearance

Policy GR.2 (Design) of the Local Plan states that proposals for new development will be granted where the following criteria are satisfied:

The proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of:

- *The height, scale, form and grouping of the buildings*
- *The choice of materials*
- *The visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality in general*

The proposal consists of three two storey detached dwellings of differing designs with the first dwelling of plot one being closest to Main Road at approximately 18.5 metres. Plots two and three are set back behind plot one approximately 60 metres from Main Road.

Across Main Road from the application site are two storey detached dwellings of varying designs. Along Sandy lane to the west of the site are two storey detached dwellings are varying sizes and styles. To the east of the application site are the detached bungalows of 61 Main Road and 61A Main Road.

Therefore, there is no set dwelling type or style in the locality, with this in mind it is considered that the proposed development will not have a significantly detrimental impact upon the surrounding residential area or streetscene of Main Road, especially with the proposed dwellings being set well back from the passing highway.

As a result the proposed development is in accordance with Policy GR2 (Design) of the Borough of Congleton Local Plan First Review.

Amenity

In terms of residential amenity there are four neighbouring dwellings which lie adjacent to the site, Sandyacre and Courtlands to the west and 61 and 61A to the east.

Sandyacre lies approximately 28 metres from the proposed dwelling of plot one facing the side elevation. This aspect of the proposal meets the minimum separation distance of 13.8 metres as advised within the Supplementary planning Guidance notes of the Congleton Borough Local Plan.

To the east of plot one lies 61 Main Road at a distance of approximately 18 metres at the closest point. These two dwellings will have side elevations facing each other.

Courtlands lies adjacent to the north west corner of the application site and lies approximately 22 metres away, at the closest point, from the proposed dwelling of plot 3. Again, these dwellings will have a side elevation to side elevation relationship.

Number 61A Main Road lies adjacent to the north east of the site, this dwelling lies approximately 12 metres, at the closest point, from the proposed dwelling of plot two. However, due to the orientation of the two dwellings there is not a directly facing relationship between either the side elevations or the principal elevations of either property.

As a result the proposed development is in accordance with Policy GR.6 (Amenity and Health) of the Borough of Congleton Local Plan First Review.

Highways

Access to the site is to be taken from the existing field gate access.

Policy GR.9 (Accessibility, Servicing and Parking Provision) of the Local Plan states that proposals should only be permitted when there is:

“Adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway...”

With this in mind the Council’s Highways Officer is satisfied that there is adequate visibility at the proposed access point for a development of this size as well as there being sufficient off street parking to serve each proposed dwelling.

While the site may not be entirely sustainable in transport terms it is not considered to be a significantly detrimental issue to justify a refusal of this application.

As a result the proposed development is in accordance with Policy GR.9 (Accessibility, Servicing, and Parking Provision) of the Borough of Congleton Local Plan 2005 First Review.

Protected Trees

The application site is home to a prominent mature Oak Tree to the Main Road frontage which is subject to a Tree Preservation Order. Further to this there are also protected trees on land to the west of the site.

Policy NR.1 (Trees and Woodlands) of the Local Plan states that:

“Proposals for development which affect a site containing existing trees or woodlands must include sufficient information to enable assessment of the potential impact on such trees. Proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value.”

The Council’s Landscape Officer is satisfied with the level of information provided by the applicant and that appropriate protection measures can be implemented to ensure that the trees on site are not harmed during the construction of the proposed development.

The recommended conditions will be attached to any permission:

- Submission, approval and implementation of Landscape scheme
- Submission, approval and implementation of programme of tree works.
- Tree protection measures, tree works, arboricultural supervision and phasing of works to be implemented in accordance with plan M304/SA/TREE/02A and as specified in Arboricultural Method Statement.

There the proposed development, as conditioned, complies with Policy NR.1 (Trees and Woodland) of the Borough of Congleton Local Plan 2005 First Review.

Jodrell Bank

The site lies within Jodrell Bank Consultation Zone C; therefore Policy PS.10 of the Local Plan applies. This policy states that:

“Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the proposals map, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.”

In order to protect the extremely sensitive observations of distant astronomical objects made by the radio telescopes at Jodrell Bank Observatory, a 6 mile radius ‘Consultation Zone’ has been in existence around the Observatory since 1972. Planning application for developments within this Zone re referred to the Observatory, which may object if the proposed development is likely to degrade the performance of its telescopes.

With the above in mind Jodrell Bank have no objections to the proposed development provided conditions are attached to any permission requiring the applicant to incorporate materials into the development which help to reduce any detrimental electromagnetic interference which may be caused.

Landscaping

The existing boundary hedges to the east and south, and post and rail fencing to the west are to be retained with a new native hedgerow to be planted along the northern boundary as well as others to demarcate the boundaries to the proposed dwellings.

In order to comply with Local Plan Policy a condition requiring landscaping details to be submitted and approved will be attached to any permission. This condition will require the applicant to submit details to show:

“The species, siting, number, planting size and planting density of all new trees and shrubs and details of existing vegetation to be retained or removed”,

“Plant species are used which are appropriate to the nature of the development and in sympathy with the character of existing vegetation within the site and in the area generally”,

“Landscaped areas are adequate and appropriate for the intended use”, and

“Satisfactory provision is made for the maintenance and aftercare of the scheme”.

Therefore the proposed development, as conditioned, complies with Policy GR.4 (Landscaping) of the Borough of Congleton Local Plan 2005 First Review.

CONCLUSIONS

It is noted that the site is considered to be in a sustainable location, and the design and siting of the dwellings are not considered to have an impact on the amenity of adjacent property.

However, Cheshire East can now demonstrate a five year supply of housing land, it is not considered that Policy PS.8, which protects Open Countryside, is out of date and the provisions

of the NPPF. Therefore the principle of residential development on the application site is not acceptable due to the detrimental impact upon the openness of the Open Countryside.

In addition, the scheme does not provide any affordable housing which is required under current policy.

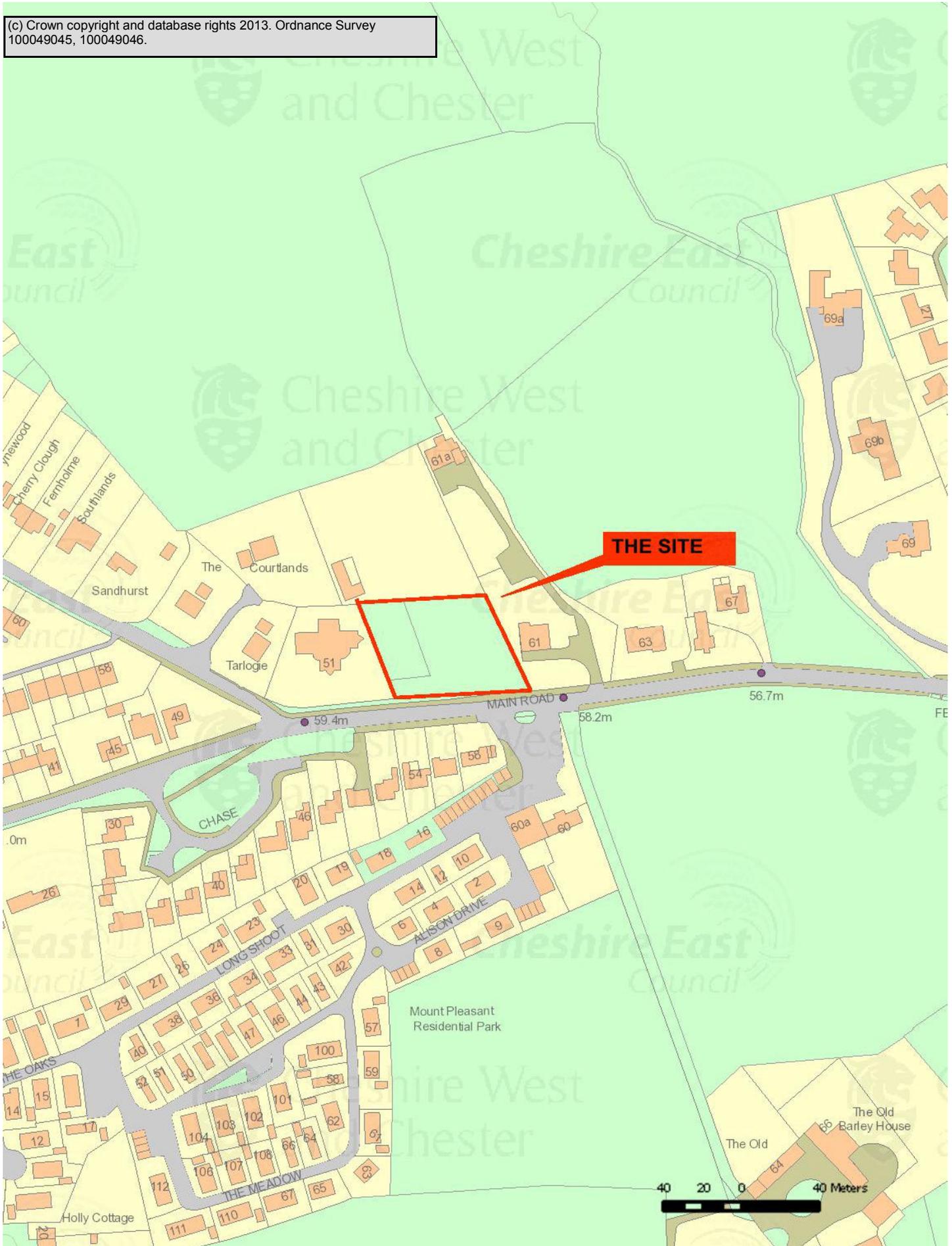
RECOMMENDATIONS: Refuse for the following reasons

- 1. The proposal is located within the Open and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy PS.8 (Open Countryside of the Congleton Borough Local Plan First Review 2005, the National Planning Policy Framework and the emerging Development Strategy.**

- 2 The proposed development does not include a provision for an element of affordable housing and is, therefore, contrary the Interim Planning Statement: Affordable Housing.**

Application for Full Planning

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Application No: 12/4326C

Location: POOLWOOD COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON, CHESHIRE, CW12 4SN

Proposal: Change of use of land to allow use for contracting and plant hire use together with associated works to the land including earth bund and laying hardcore.

Applicant: James Ashbrook, J K Ashbrook Ltd

Expiry Date: 22-Apr-2013

SUMMARY RECOMMENDATION: Approve subject to completion of the Unilateral Undertaking and conditions.

MAIN ISSUES: Principle, highways and landscaping

DESCRIPTION OF SITE AND CONTEXT

This application relates to site 1.08 hectares in size, situated on the northern side of Holmes Chapel Road, Somerford. In 2012 temporary consent was granted for the change of use of the shed and hard standing for agricultural contracting and plant. Development was not carried out in accordance with the approval. The site was considerably increased in size and bunds were put in around it that also did not have the benefit of planning permission.

The site is designated as being within the Open Countryside in the adopted local plan.

DETAILS OF PROPOSAL

This application seeks full planning permission for a permanent change of use of the land to contracting and plant hire, creation of an earth bund, laying of hardcore and erection of modular office buildings

RELEVANT HISTORY

12/0867C 2012 Approval for temporary change of use of existing agricultural shed and hard standing for agricultural contracting and plant.

09/1802C 2009 Withdrawn application for change of use to offices

POLICIES

National

National Planning Policy Framework

Local

PS8 – Open Countryside

GR1 - General criteria for new development

GR6 – Amenity

GR9 – Highways

GR4 - Landscaping

E5 – Employment development in open countryside

NR2 & NR3 - Habitats

CONSULTATIONS (External to Planning)

Highways:

The plan submitted by the applicant clearly demonstrates that there is sufficient control of land for a 10 metre kerb radii.

The plan submitted however shows the 10 metre radii drawn to the back of footpath line rather than to the existing carriageway kerb line. It will therefore be necessary to attach a condition to the application which requires a detailed design plan for the proposed change to the access and prior to first development and to the satisfaction of the LPA. In addition a condition should be attached requiring full construction of the improvement to this access prior to first use.

The Strategic Highways Manager also recommends that the following informative be attached to any permission which may be granted for this development proposal:

Informative: Prior to first development the developer will enter into and sign a Section 184 Agreement under the highways Act 1980 and provide a new vehicular crossing over the highway verge in accordance with Cheshire East Council specification.

Subject to these requirements the Strategic Highways Manager would find this development proposal acceptable.

Jodrell Bank:

No objection.

Environmental Health:

Recommend conditions relating hours of construction and compliance with the recommendations contained within the submitted contaminated land report.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council objected to the proposal originally, however since amendments have been made, the following comments were submitted:

“Members are pleased with the recent amendments to the site regarding the site entrance and exit for highway purposes. Mr Ashbrook has visited our Parish Council meetings and has listened to concerns and reacted positively. “

OTHER REPRESENTATIONS:

At the time of report writing 2 objections have been received and 9 expressions of support for the proposal.

The objectors express the following concerns

- Loss of agricultural land
- Inappropriate development in open countryside
- Noise
- Highway safety
- Drainage and flooding
- Letters of support being submitted by residents of the parish where the business currently operates from

The supporters are all from the parish of Goostrey and state that the Poolwood site would be better than the existing site in Goostrey due to better access and fewer residential properties in the vicinity. Goostrey Parish Council has also supported the proposal.

OFFICER APPRAISAL

Principal

The proposal is for the permanent change of use of the site to the operation of agricultural contracting and plant business within land designated as open countryside in the adopted local plan; as such the relevant policies in the adopted local plan are PS8 and E5.

Policy PS8 states that inter alia, development will only be allowed for the purposes of agriculture or forestry. The Design and Access Statement states that the business undertakes tasks that could be considered as agricultural; however the definition of agriculture in Section 336 of the Town and Country Planning Act 1990, does not include agricultural contracting businesses.

Policy E5 allows for the expansion or redevelopment of an existing business in the open countryside. Whilst it is acknowledged that the business had been operating on the site before the granting of temporary permission, this was not with the benefit of planning permission. The applicant subsequently developed the site not in accordance with the temporary permission, thus rendering the temporary permission invalid.

Whilst Policy E5 allows for the expansion or re-development of an *existing* business in the open countryside, this business was not based on this site originally and the proposal therefore does not comply with this policy. As such the scheme would not accord with current local plan policy.

In March 2012 the Government introduced the National Planning Policy Framework (NPPF), in which paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. In addition paragraph 28 requires that Local Planning Authorities (LPA) should support the growth and expansion of all types of business in rural areas. As such it is considered that the development could be considered to comply with the more recent requirements of the and that this would supersede the Local Plan designation. While clearly a balanced judgement based upon other factors the principle of the development is therefore considered to acceptable.

Amenity

The site is in close proximity to residential properties, including that of the applicant and Environmental Protection has recommended a condition restricting the hours of construction. It should be noted that the application is retrospective and no further construction is proposed at the site.

The previous temporary consent did not include any conditions relating to hours of operation for the business; however the applicant has stated that he would be happy to accept a condition restricting the hours of operation at the site. These would be 7am to 6pm, Monday to Friday, half a day Saturday and no working on Sundays or Public Holidays. Given the proximity of the site to residential properties, it is considered that such a condition would be reasonable.

Highways

The business has been operating from this site since early 2012 using the existing access. The Strategic Highways Manager originally expressed concerns about the access and subsequently amended plans have been submitted showing a 10 metre radius turning splay. This is possible to achieve as the land is in the ownership of the applicant. Following the submission of the amended drawings the SHM is satisfied that the access is acceptable. The proposal is therefore in compliance with Policy GR9 of the adopted Local Plan.

Landscaping

When temporary consent was first granted, earth bunds were specifically excluded as it was considered that they were unnecessary due to the temporary nature of the permission. The applicant subsequently created earth bunds in contravention of the approval and the site was also significantly increased in size. These bunds screen the site in an effective way and reduce its impact on the openness of the countryside. Plans have been submitted showing the planting of native species and it is considered that these proposals, including the bunds, would be appropriate.

Fencing that has been erected at the site is considered to be stark and prominent in the landscape and it is considered that it should be stained in a colour to be agreed in writing with the LPA in order to lessen this impact.

Impact on the Openness of the Countryside

As discussed above, the earth bunds that have been put in place were specifically excluded from the temporary consent. Having regard to their impact on the openness of the countryside, it is considered that their impact is not significant and that the planting proposed would enable them to blend into the existing landscape.

The fencing does have some impact on openness; however as stated above this could be mitigated by the application of a suitable coloured staining in.

Ecology

Great Crested Newts are known to occur at two ponds in close proximity to the proposed development. The Council has sufficient survey data to assess the potential impacts of the proposed development.

The application site offers limited potential habitat for newts however the continued operation of the site may pose the risk of killing/injuring any animals present.

To mitigate the potential impact of the development upon Great Crested Newts the applicant's ecologist has submitted a mitigation strategy in order to ensure the favourable conservation status of this protected species. This should be controlled by a condition requiring compliance with the mitigation strategy.

**EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005**

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 (dated 16 August 2005) advises LPAs that:

"It is essential that the presence of protected species , and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

In the absence of mitigation / compensation, the proposed development would have a significant adverse impact upon bats through the loss of the habitat currently utilised by the bats.

Regulation 9(5) the 2010 Habitats Regulations places an obligation upon planning authorities to give consideration to European protected species in the exercise of their functions. The recent 'Whooley' and 'Morge' judicial reviews have clarified the position of planning authorities in respect of this legislation.

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is 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
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be

met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The site is housing a business which supports the employments of several people and is therefore of positive benefit to the community and the local economy.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- Siting the development elsewhere

Siting the Development Elsewhere

The applicant has been unable to locate a suitable and available alternative site for the development.

Favourable conservation status

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed replacement mitigation is considered to be acceptable by the Councils' Ecologist.

Other Matters

The applicant has submitted a draft Unilateral Undertaking with the application. This would ensure that the applicant could no longer operate the business from Barnshaw Bank Farm. Whilst this is to be welcomed, it must be noted that this site would still benefit from the same use class and it is possible that another similar business could operate from the site in the future.

CONCLUSIONS

In conclusion, for the reasons set out above and having due regard to all other material considerations, it is considered that the use would be acceptable and in compliance with the relevant policies contained within the adopted local plan and the National Planning Policy Framework. The application is therefore recommended for approval subject to completion of the Unilateral Undertaking and the following conditions:

1. Development in accordance with the approved plans.
1. Compliance with the recommendations contained within the submitted ground investigation report.
2. Compliance with the mitigation strategy contained within the Great Crested Newt Mitigation Strategy –Supplementary Report.
3. Submission and implementation of a scheme of landscaping that includes the recommendations within the Newt Mitigation Strategy – Supplementary Report.
4. Submission and implementation of a detailed design for the access on to the highway.
5. Submission and implementation of details of staining of boundary fencing.
6. Restriction of working hours as follows:

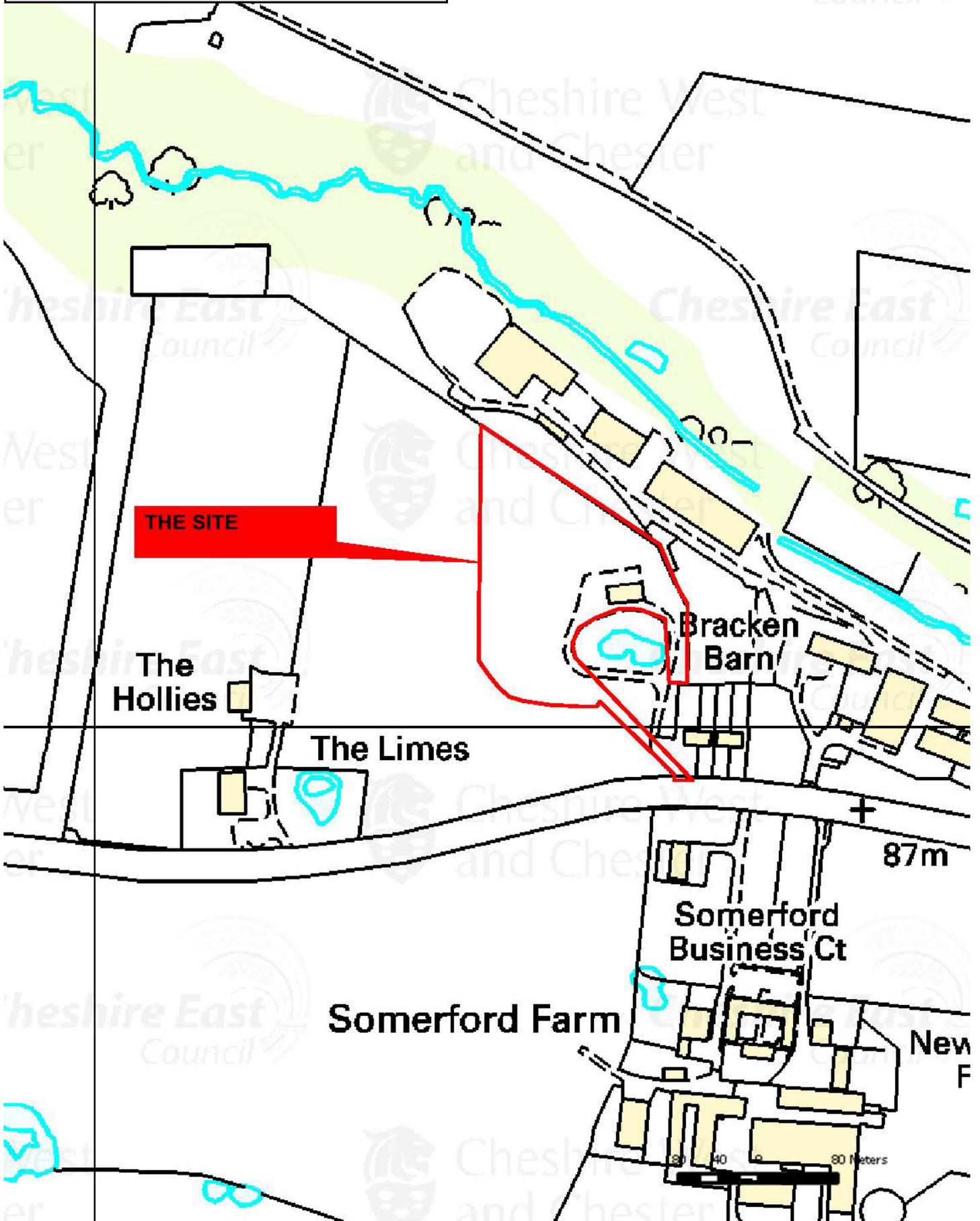
Monday to Friday
Saturday

7am to 6pm
8am to 2pm

Sunday & Public Holidays

No working

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Application No: 12/4426N

Location: Land south of Pym's Lane, Crewe, Cheshire, CW1 3PL

Proposal: Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's

Applicant: Mr Garth Robert, Bentley Motor Limited

Expiry Date: 14-Feb-2013

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

Principle of Development
Design Considerations and Landscaping
Parking, Highway Safety and Traffic Generation
Impact On Protected Species
Impact on Residential Amenity
Drainage and Flooding

REFERRAL

This application is to be determined by the Southern Committee as it is a major development of over 1000sqm.

1. SITE DESCRIPTION

This application relates to an 8ha site situated on the south side of Pym's Lane, Crewe. The site is rectangular in shape and is relatively flat with field boundaries defined by hedgerows and a post and rail fences.

The site is adjoined to the east by a large staff car park for Bentley Motors as well as 'The Legends Sports and Social Club'. The main production plant is further to the east across Sunnybank Road. On the opposite side of Pym's Lane to the north, is the Pym's Lane Waste Recycling Centre as well as other industrial and commercial units and associated parking further along. To the south is the Crewe to Chester railway line which runs within a cutting. There is a domestic property situated along the western boundary of the site and the proposed development would wrap around the rear garden of this dwelling.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation as designated in the Cheshire Waste Replacement Local Plan.

2. DETAILS OF PROPOSAL

Full planning permission is sought to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's.

The proposed site will form the main car park for engineering staff and associates on the adjacent Bentley Motors site and will replace existing parking areas located around the existing Bentley works. The site will also house a holding area for HGV vehicles, such that these vehicles do not have to stand within the factory roadways when not in use. The site will also house a product marshalling area, to allow vehicles to be stored away from the production area prior to preparation for collection.

The new entrance to the site will give access to Pym's Lane on the north eastern corner of the site, this access will also give access to a proposed showroom, which was recently granted full planning permission (reference 12/4373N). This showroom is proposed adjacent to the marshalling area fronting Pym's Lane to the north of the site.

3. RELEVANT PLANNING HISTORY

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

P06/0022 - Outline Planning permission approved for Industrial Storage and Distribution (B1, B2 and B8) on 13th January 2006.

12/4373N - New build showroom with associated car parking approved on 6th February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30th November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1st May 2013

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
TRAN.3 Pedestrians
TRAN.8 Existing Car Parks
TRAN.9 Car Parking Standards

Other Material Policy Considerations

The Cheshire Waste Local Plan

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions relating to hours of construction / use, a scheme to minimise dust emissions during demolition / construction, contaminated land, external lighting and submission of an updated Green Travel Plan.

Highways

No objection, subject to provision of visibility splays at the proposed access and the provision of pedestrian facilities for users.

United Utilities (UU):

No objection provided that the site is drained in accordance with the submitted FRA, insofar as all surface water flows generated from this development to be discharged into the adjacent Leighton Brook watercourse must receive the prior consent of The Environment Agency.

Sport England

No objection given that the proposal is on agricultural land adjacent to the sports ground and does not affect the pitches or any other sports facilities.

Natural England:

No comment. The LPA should assess and take into account potential impacts on protected species and biodiversity.

Environment Agency:

No objection – subject to the following comments;

The submitted Flood Risk and Drainage Strategy suggest that proposals are to discharge surface water from the developed site to the existing drains situated through the Bentley Moors Sunnybank car park. This is in turn understood to be routed via the existing water treatment plant to the north of Pym's Lane, which outfalls to Leighton Brook via a combined public sewer. This is considered acceptable in principle. However, evidence should be provided at the detailed design stage to confirm that there is sufficient capacity within the

existing drainage network to accept the anticipated flows from the proposed development. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS).

Conditions requiring a scheme to limit surface water runoff and a scheme to manage the risk of flooding from overland flow of surface water are recommended.

6. VIEWS OF THE TOWN COUNCIL

N/A

7. OTHER REPRESENTATIONS

None received

8. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application is the principle of the suitability of the site for use as a car park, the loss of a waste site allocation, the impact that the proposals would have on the character and appearance of the area, highways and parking, ecological considerations and neighbouring amenity.

Principle of Development

This application proposes the creation of a car park with 1817 car parking spaces plus lorry parking for up to 14 HGV's. In terms of the local plan, the site is within the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

In terms of compatibility, the use of this land is for a purpose which is ancillary to the adjacent employment use at Bentley Motors and is therefore considered to be acceptable and complimentary in principle when considering the proposal against the Crewe Local Plan. Additionally, this end of the Pym's Lane area is predominantly commercial / industrial and therefore in land use terms, the proposal would not conflict with neighbouring uses.

Nonetheless, owing to its location near to the Pym's Lane Household Waste and Recycling Centre, the site comprises part of a waste allocation (WM16A) in The Cheshire Waste Local Plan. As such, the site has been considered suitable in principle for the development of a range of waste management facilities with the purpose of forming part of an integrated network of sites capable of making adequate provision for waste arising within Cheshire. Thus, the loss of this allocation for potential future waste management uses needs to be considered.

The Council's Spatial Plans section has confirmed that whilst the site subject of this application is within a waste allocation, the site is not actually safeguarded for waste use. Coupled with the recently approved application for the proposed showroom, the proposal would see the total loss of this allocation.

The Council's Waste Strategy Manager has confirmed that they are not aware of any future plans to extend the adjacent Pym's Lane Household Waste and Recycling facility into the allocation relating to this site and as such it is considered that its loss would not impact on the borough's strategic provision of waste sites. This is supported by the fact that since the site was identified; no further progress has been made in terms of considering the potential of bringing forward the site for waste uses. Additionally, it is unlikely that the site would be capable of being delivered for waste given that it is already within the ownership of Bentley Motors.

Furthermore, the former Crewe and Nantwich Borough Council previously approved an application (reference P06/0022) for the redevelopment of the site for industrial storage and distribution. As such, the loss of this allocation has been considered and accepted previously and there are no material changes at this current time, that would change this position. The site has traditionally been recognised as an 'owner-specific' employment site and has been held as a potential expansion site for Rolls Royce and subsequently Bentley Motors, hence why it was included in the settlement boundary.

It is also important to acknowledge that the proposals will assist in the economic growth of Bentley Motors, a large local employer who are seeking to improve and reconfigure their facilities and existing parking arrangements which currently limit future expansion. This proposal would enable Bentley Motors to work more effectively and efficiently within the main production areas of the plant to enable future growth. As such, there are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. It is considered that such benefits would outweigh the loss of the site for potential waste uses and would accord with the overarching aims of the NPPF in terms of supporting sustainable economic development. The principle of this development is therefore considered to be acceptable and in line with local and national policy.

Design and Landscaping Considerations

The proposed car park will be set back from the Pym's Lane road frontage which is already defined by a mix of post and rail fence and hedgerows. The proposed access is to be located at the location of an existing field access from Pym's Lane where there is some soft landscaping between the site boundary and Pym's Lane. The proposed entry would give access to a new circulation road, which will permit access to the car parking and HGV standings areas at the rear of the site (south). A mini-roundabout will be sited 15m from the northern boundary which provides a possible access to a proposed showroom to the northwest and to the land to the east which is currently the existing Sunny Bank Road Car Park.

The proposed layout would be respectful of existing site boundaries and neighbouring uses and the larger HGV vehicles would be accommodated towards the far rear extent of the site where they would be less evident. Having regard to pattern and character of the existing development in the area, and given that the proposal will not introduce any buildings or built structures, in design terms, it is not considered that the proposals will cause detrimental harm to the visual appearance of the site.

With respect to the impact on the wider area, there are no landscape designations on the site itself. In the Cheshire Landscape Character Assessment, the site lies within the Landscape character type 7: East Lowland Plain, specifically in the Wimboldsley Character Area 5. The site is typical of the character type of a predominantly flat, large scale landscape. The Council's Landscape Officer considers that the site has the landscape capacity to accommodate the proposed development provided that details of any proposed peripheral mounding and a detailed landscape scheme are secured by condition. However, it was recommended that greater consideration be given to retention of an existing mid-site hedgerow.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application.

The criteria in Part II of Schedule 1 identify hedgerows of significant archaeological, historical or wildlife value for which planting is no substitute. The hedgerow to be removed is within the centre of the field and due to the separation with Pym's Lane and Middlewich Road, does not significantly contribute to enclosing the field. It is not of archaeological or historical value and in terms of wildlife, other planting could mitigate for the loss. As such, whilst the agent has confirmed that the hedgerow cannot be incorporated into the scheme, amended plans have been secured which will allow more planting to be introduced to the site boundaries with some internal planting as well. Consequently, it is considered that the loss of the hedgerow could be compensated for.

Provided that existing boundary hedges are supplemented and retained, the nature of the proposal i.e. no built structures, will mean that the proposal will not appear intrusive within from views of Pym's Lane. This additional planting will need to be secured by condition. It is recommended that native species planting is incorporated to offset the loss of the grassland in the interests of nature conservation. As such, it is considered that the proposal would be respectful to the surrounding landscape.

Parking, Highway Safety and Traffic Generation

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

The development will increase parking available to the Bentley factory plant which access to the site to be provided directly off Pym's Lane. The new access can provide the required level of visibility to the facilities proposed although there is need to remove two existing trees in order for the visibility splays of 2.4m x 120m to be achieved. The Strategic Highways Manager has no objections to the car parking layout and quantum of spaces proposed.

Pedestrian access to the site will be taken midway along the site through the adjacent sports and social club which will provide safer and shorter routes to the main production plant rather than around onto Pym's Lane. The Strategic Highways Manager has recommended the provision of a footway and a pedestrian crossing/s further along Pym's Lane, but it is considered that these would not be required as a consequence of this development. This proposal will not encourage pedestrian movement across Pym's Lane as it is on the same side of the road as the plant. Accordingly, the provision of such would not meet the CIL tests of being necessary and reasonably related to the development to be permitted.

Members will recall that these crossing/s would be needed to mitigate for the impacts of the proposed office accommodation considered under planning reference 12/4319N and as such, will be secured as part of that development. The scheme is found to be in compliance with local plan policy BE.3.

Impact on Protected Species

The Council's Nature Conservation has considered the application. Having regard to the surroundings, the Nature Conservation Officer considers that whilst the proposal will result in the loss of some grassland, the impact will only be at the local level. A suitably managed native species planting would help towards compensating for the loss of biodiversity associated with the proposed development. This will be secured as part of the landscaping scheme. There may be potential for breeding birds and therefore a condition relating to breeding birds is recommended. Consequently, the scheme is deemed acceptable in terms of nature conservation considerations.

Impact on Residential Amenity

The nearest residential properties front onto Middlewich Road to the West and include Brassey Bank, Bridge Farm and Oakleigh Farm. The latter would be mostly affected by the proposal given that the application site wraps around three of its boundaries. However, the proposal is for a surface level car park without the addition of any built structures and therefore there would be no visual intrusion or loss of light. In terms of the use, provided that the boundaries are dealt with properly, which could be secured by condition, the proposal would not materially harm neighbouring residential amenity. The scheme is therefore deemed to be compliant with local plan policy BE.1.

Drainage and Flooding

A Flood Risk Assessment (FRA) has been carried out to determine the impact of the proposed development on flooding. In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions. Conditions requiring a scheme to limit surface water runoff and a scheme to manage the risk of flooding from overland flow of surface water are recommended. With the imposition of such conditions, the impact that the development would have on flood risk would be acceptable.

10. REASONS FOR APPROVAL

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local employer. Whilst the site does form part of a waste allocation in the Cheshire Waste Replacement Local Plan, it is considered that this loss would not impact on the borough's strategic provision of waste sites, and would not be capable of being delivered due to ownership issues. In any event, it is concluded that the benefits of the scheme would outweigh this loss. The design of the proposals would not impact detrimentally on the character or appearance of the site subject to appropriate landscaping. The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways and parking and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

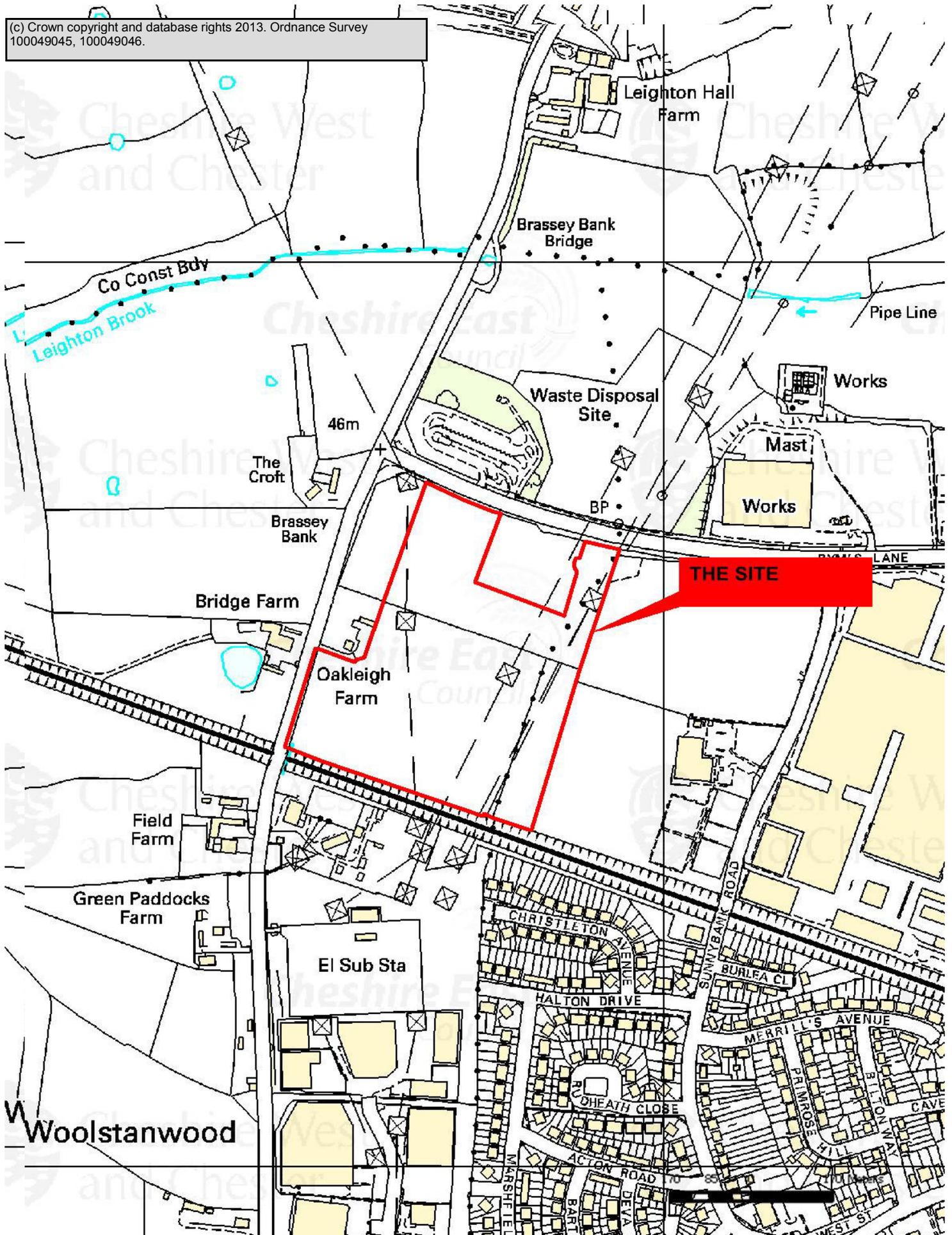
11. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Standard 3 year time limit**
- 2. Accordance with Approved / Amended Plans**
- 3. to be submitted**
- 4. Landscaping submission – to include native species and details of any mounding**
- 5. Landscaping implementation**
- 6. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 7. Construction of Access in accordance with approved plans**
- 8. Hours of construction limited**
- 9. Hours of operation limited**
- 10. Submission of scheme to minimise dust emissions during demolition / construction**
- 11. Details of lighting to be submitted prior to first use**
- 12. Drainage details to be carried out in accordance with the submitted Flood Risk Assessment**
- 13. Scheme to limit surface water runoff**
- 14. scheme to manage the risk of flooding from overland flow of surface water**
- 15. Levels and ground modelling works**



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Woolstanwood

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Application No: 13/0762N
Location: 4, Park Lane Mews, PARK LANE, HATHERTON, CW5 7QX
Proposal: Proposed new detached car port with loft over.
Applicant: G Britton
Expiry Date: 24-Apr-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The principle of the development
- The impact of the design
- The impact upon neighbouring residential amenity
- The impact upon protected species
- The impact upon highway safety

REASON FOR REFERRAL

This application was called in to Southern Planning Committee on 7th March 2013 by Councillor Janet Clowes for the following reasons:

'The Parish Council and local residents are concerned that this additional building is an inappropriate overdevelopment of the site.

This property has already benefited from the application for and subsequent building of a garage on this property. Therefore this application for a further detached building of another garage with room above is out of character in relation to the other adjacent Mews properties.

There is also concern that the first garage has already been converted for residential use.

Should this application be permitted, it is suggested that conditions should be imposed that preclude this building from future residential usage.'

DESCRIPTION OF SITE AND CONTEXT

The application site is within the garden of No.4 Park Lane Mews, Park Lane, Hatherton within the Open Countryside.

The associated dwelling is a barn conversion that consists of an open brick finish, cream painted timber fenestration and a dual-pitched, grey tiled dual-pitched roof.

In 2006 the applicant's existing detached garage was converted into living accommodation and a glazed link erected to attach this unit to the main dwelling.

DETAILS OF PROPOSAL

The garage would measure approximately 6 metres in depth, 6 metres in width and would have a pitched roof with a maximum height of approximately 5.6 metres in height from ground floor level.

The proposal will also include an external staircase on the eastern side elevation.

The driveway extension would measure approximately 144 metres squared and be sited forward of the applicant's proposed car port / garage within the curtilage of the dwelling.

The applicant also seeks to re-position a garden wall and erect a new set of gates with associated pillars.

RELEVANT HISTORY

P06/1272 - Glazed Link to Garage Conversion with Galleried Level – Approved 21st December 2006

P06/1270 - Listed Building Consent for Glazed Link to Garage Conversion with Galleried Level – Approved 20th December 2006

P06/0686 - Garage Conversion and First Floor Extension – Refused 2nd August 2006

P06/0659 - Listed Building Consent for Garage Conversion and First Floor Extension – Refused 28th July 2006

P03/1331 - Double Garage & Change of Use – Approved 10th December 2003

P01/0763 - Conversion of Farm Building to Four Dwellings (LBC) – Approved 26th September 2001

P01/0762 - Conversion of Farm Building to Four Dwellings – Approved 26th September 2001

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

NE.2 – Open Countryside

NE.9 – Protected Species

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

Extensions and Householder Development Supplementary Planning Document (SPD)

CONSULTATIONS (External to Planning)

N/a

VIEWS OF THE PARISH COUNCIL:

Hatherton & Walgherton Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received at time of report

APPLICANT'S SUPPORTING INFORMATION:

None

OFFICER APPRAISAL

General information

No.4 Park Lane Mews has its Permitted Development rights intact. As such, the applicant can create the driveway extension and erect the walls and gates under these rights. These developments are acceptable under Class F, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) 1995 (As amended) and Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) 1995 (As amended).

Therefore, these developments are deemed to be acceptable in principle and are not considered in the below assessment.

Principle of Development

The site is located in the Open Countryside so is therefore subject to Policy NE.2 of the Local Plan. Policy NE.2 of the Local Plan advises that development will only be permitted if it is for agriculture and forestry, outdoor recreation, essential works undertaken by Public Service Authorities or statutory undertakers or for other uses appropriate to a rural area.

The development of a new outbuilding within the curtilage of a dwelling is not referred to directly within this policy so the determination in this instance is whether or not the development would preserve the character and amenity of the countryside. This would be determined by its design and its impact upon neighbouring properties and in this instance, its impact upon the nearby listed building. These are discussed below.

Design Standards

The proposed development would be sited approximately 1.5 metres to the southeast of the applicant's dwelling within the domestic curtilage.

The proposed garage would consist of 2 open bays on the principal elevation and hardwood timber slats with '*stained finish to approval*' to the 3 other sides. It would have a pitched tiled roof. It would include 2 '*Conservation Velux roof lights*' in the roof space in the rear elevation and an external staircase to the roof space above on the eastern side elevation. The rainwater goods would be black uPVC. In order to ensure that the appropriate materials are used in this development, should the application be approved, it is recommended that the materials be conditioned for prior approval.

The development would naturally appear subordinate to the associated dwelling because of its single-storey nature. It would measure approximately 2 metres lower than the maximum height of the dwelling.

It is considered that a light timber structure such as the one proposed would respect the traditional nature of the associated unit. It is also considered that the development would not have a detrimental impact upon the streetscene as it would be set over 100 metres in from the road and would be largely screened by an existing boundary treatment.

Once the materials have been conditioned, it is considered that the proposal would adhere with the relevant design policies within Policy BE.2 of the Local Plan.

Amenity

Other than the applicant's property, the closest neighbour to the development would be over approximately 45 metres away from the proposed garage. As such, it is not considered that the proposal would cause any impact with regards to loss of privacy, loss of light or visual intrusion and would adhere with Policy BE.1 of the Local Plan.

Protected Species

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development. As such, the garage would adhere with Policy NE.9 of the Local Plan.

Highway Safety

The proposed development would be accessed from the applicant's existing driveway that would link into a proposed driveway extension within the applicant's curtilage.

It is not considered that this development would have a detrimental impact upon highway safety and would adhere with Policy BE.3 of the Local Plan.

Other Matters

Although the proposed development is located within the residential curtilage of Park House, a grade II listed building, given the large distance of the proposal from the listed building; it is not considered that it would detract from the character and setting of the building concerned.

CONCLUSIONS

The proposed development would not have a detrimental impact upon the character and amenity of the Open Countryside, be of an acceptable design and would not have a detrimental impact upon neighbouring amenity, protected species or highway safety.

The proposed development is therefore in compliance with Policies: NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) and NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also accord with the NPPF.

RECOMMENDATIONS

APPROVE subject to conditions

- 1. Standard (Time)**
- 2. Plans**
- 3. Materials details to be submitted**

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Application No: 13/0784C

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

Proposal: Residential development of 2no units.

Applicant: Sherrie Shaw, Bloor Homes Ltd - North West

Expiry Date: 03-May-2013

SUMMARY RECOMMENDATION:

REFUSE

MAIN ISSUES:

Principle of Development

- (i) National Policy
- (ii) Housing Land Supply
- (iii) Sustainability

Design Considerations

Trees

Highways

Residential Amenity

Ecology

1. REASON FOR REFERRAL

This application has been called in for determination by the Southern Planning Committee by Cllr Wray. The reasons given are that the application is contrary to Policies PS8, H6 and S9 of the adopted Congleton Borough Local Plan First Review (2005).

2. DESCRIPTION AND SITE CONTEXT

This application relates to a 0.17 ha parcel of land, situated to the rear (east) of a development recently approved for the erection of 11 no. houses on the site referred to as 'Ivanhoe', fronting Holmes Chapel Road in Somerford. The site is roughly rectangular in shape.

The site is abutted to the north and southeast by the modern residential developments of Broomfields and Holly Croft respectively. The site is adjoined to the west by Open Countryside.

The site lies outside of the Infill Boundary Line for Brereton, which curtails the site. As such, the site falls within Open Countryside as designated in adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 2 no. residential dwellings to the rear of the site referred to as Ivanhoe, situated on Holmes Chapel Road, Brereton. Access to the site would taken off the head of the cul-de-sac serving the residential development approved under planning ref; 12/0763C which is currently being built.

4. RELEVANT HISTORY

12/0763C 2012 Demolition of Existing Buildings and Development of 11No. Residential Dwellings (Inc 3No. Affordable Units) along with the Creation of a New Access - Approved
11/1498C 2012 Development of 11 dwellings inc. 3 affordable - Approved
36724/1 2004 Residential development – Refused
35428/1 2003 Residential development – Refused
23005/1 1991 One Bungalow Dwelling – Refused
13721/1 1981 One Dwelling – Refused

5. POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

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

6. CONSIDERATIONS (External to Planning)

Highways:

No objection. The proposal does not materially alter the agreed position for 11 dwellings that received consent by virtue of planning ref; 12/0763C.

Environmental Health:

No objection subject to conditions and an informative relating to construction hours (including piling) and land contamination.

Jodrell Bank:

No objection subject to a condition requiring inclusion of materials aimed at reducing electro-magnetic interference.

United Utilities (UU):

No objection provided that the site is drained on a separate system with only foul drainage connected to the foul sewer.

7. VIEWS OF THE BRERETON PARISH COUNCIL

Object - Since Cheshire East Council can meet and exceed the 5 year housing supply requirement there is no need for housing to be built in the open countryside particularly large, open market sale housing as proposed here.

The land where the houses are proposed is outside of the settlement boundary of Brereton Heath as defined in the 2005 Congleton Local Plan and is therefore in the open countryside and should be refused.

The proposed residential development of two new 4 or more bed roomed houses are not affordable houses nor is there any evidence that they are for persons employed full-time in agriculture or forestry or other exceptions that might be allowed in the open countryside.

The development is not sustainable as there are no local services or community facilities in Brereton Heath other than a bus stop and post box. The proposed development would be predominantly car based as the area generally lacks pavements; the A54 is a busy, narrow road where cycling is dangerous and the one bus service is infrequent and does not cover the whole day. As such the presumption in favour of sustainable development does not apply as this proposal does not constitute sustainable development.

8. OTHER REPRESENTATIONS

Letters have been received from 12 addresses objecting to this proposal on the following grounds:

- This is a Green Field site outside of the settlement boundary
- No housing need for these 2 units
- Urban development out of keeping with area
- Not sustainable - there are no amenities in the area i.e. no schools, shops, pubs etc
- Frequency of bus services is poor and its viability is in question
- Development will be overcrowded
- Will put additional strain on existing utilities / infrastructure
- Detrimental to the environment

- Poor cycling links
- No need for housing in Brereton Heath
- The houses are not affordable
- Directly adjacent to a Site of Biological Importance
- Construction noise
- Highway Safety A54 is a fast and dangerous road with few footpaths - difficult to cycle and walk along safely

9. APPLICANT'S SUPPORTING INFORMATION

Panning & Design & Access Statement
Phase 1 Habitat Survey
Tree Survey
Amended Plans

10. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state 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 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*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

(i) National Policy

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012. Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".

(i) Housing Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning 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".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained in the now revoked Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Council's Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply for the Borough. Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

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 NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 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.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is not considered that policies H6 and PS8 which protect Open Countryside is not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. In this case, it is not considered that there are material considerations that would outweigh non-conformity with policy.

Sustainability

The site is situated to outside of the infill boundary line of the settlement of Brereton. This is a small settlement situated within Open Countryside and comprises few services or amenities. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency.

With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. This suggests that new developments should meet the following:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m),
- bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),

- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

The proposed development would only meet two of the above distances (bus stop and post box). The site is located within 500m of a post box and a bus stop. The nearest settlement which offers all of the above services and amenities is Holmes Chapel located some 3.7 miles to the northwest. Whilst the bus stop does provide access to this nearby settlement, this is not a substitute for these amenities. The proposed development would be predominantly car dependent and as such, the site is not considered to be sustainably located.

Design Considerations

The proposed dwellings would be two-storey detached units and would be located at the end of the cul-de-sac approved on the front part of Ivanhoe. The head of the cul-de-sac would be extended into the cul-de-sac and the proposed units would be angled at roughly 90-degrees to the adjacent units. In design terms, the proposed dwellings would be a similar size and scale to the adjacent developments and as such would not deviate from the character or appearance of the adjacent units. Given that the size, scale, style and character of the units would not appear incongruous, the proposal is found to be acceptable in design terms.

Trees and Landscape

The Senior Landscape Officer has examined the proposals and commented that there are trees to the south of the site which overhang the boundary. The submission includes a tree survey and a plan detailing tree removals, retention and protection. The trees surveyed are afforded Grade C in the tree survey. Although indicated on the plan, the survey report schedule does not provide details in respect a group of pine trees at the south east of the site. Nonetheless, the Senior Landscape Officer does not consider that the trees have significant merit, and notes that there has been an existing hard standing in the area previously. As such, subject to implementation of the tree protection measures indicated on the submitted Tree Plan, there are no landscape or tree issues.

Highways

The Strategic Highways Manager has examined the application and commented that the proposed access for this development would not materially affect the access that has already been approved by virtue of the adjacent development. This main access is from the A54 Holmes Chapel Road, Somerford and would match the existing and recently developed junction for the immediately adjacent development: Broomfield, which is a development of a similar scale. This scheme is only for an additional 2 units. The development of Broomfield has demonstrated that this type of junction in this rural environment does operate safely. As such, the scheme is deemed compliant with Policy GR9.

Residential Amenity

The surrounding development comprises modern residential cul-de-sac development to the north and south-eastern sides, and open countryside to the rear. The Council's Supplementary

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

Distances in excess of those recommended in the SPG will be achieved between the proposed 2 plots and those on the adjacent developments. Sufficient private amenity space would be provided for all properties. The scheme is deemed to accord with policies GR6 and SPG2.

Ecology

The Council's Nature Conservation Officer is currently considering the submitted ecological information. This will be submitted to Members by way of an update report.

11. CONCLUSIONS

The site lies outside the infill boundary and is within the Open Countryside where under Policies PS8 and H6, there is a presumption against new residential development. This is a significant difference from the earlier approved scheme for 11 dwellings. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of sustainable development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.

Members will be aware of various applications that have been submitted in this area recently. A distinction is made between those that are within the designated infill boundary and those that are not. This is also critical when it comes to assessing the sustainability of the site. In this instance the site is outside the infill boundary and is not considered to be in a sustainable location there are no other material considerations that would outweigh this and as such, the scheme is recommended for refusal.

12. RECOMMENDATION:

REFUSE for the following reason:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

Application for Full Planning

RECOMMENDATION: Refuse approval

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Application No: 13/0927N
Location: ROCKWOOD INN, 204, ALTON STREET, CREWE, CW2 7PT
Proposal: Demolition of Rockwood Hotel/Pub and development of 20 new apartments
Applicant: Lee Dawkin, Renewland Developments Ltd & Wulvern Hou
Expiry Date: 05-Jun-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Amenity
Design and Built Environment
Drainage and Flood Risk
Highways
Section 106

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development.

1. SITE DESCRIPTION

The site is situated to the South of Crewe town centre at the junction of Stewart Street and Alton Street. It measures approximately 1.48 hectares being roughly rectangular in shape, with a frontage measuring 50m in length along Stewart Street and 30m deep along Alton Street. The site is within a residential area of terrace housing and is bounded to the east by residential properties and the south the New Testament Church of God. Residential properties line the opposite sides of both Alton and Stewart Street.

The site is currently a vacant hotel and pub with parking for customers and a green playing area / beer garden at the rear.

1. DETAILS OF PROPOSAL

The proposals are for a housing scheme comprising of 16 No. one bedroom apartments, and 4 No. two bedroom apartments with associated vehicular access, amenity and parking. The apartments would be contained within a single block fronting on to Alton and Stewart Streets with parking and amenity areas to the rear.

The proposed development will be three storeys in height at the corner of the site falling to two storeys in height on the south side and one storey on Albion Street to accommodate the bin and cycle store.

2. RELEVANT PLANNING HISTORY

12/4255N Prior notification for demolition of redundant Rockwood Hotel – Approved 10-Dec-2012

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)

Housing Policies

RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTEES

United Utilities

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

- In accordance with Technical Guidance for National Planning Policy Framework (NPPF), surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment.
- The developer to contact the Local Authority confirming how surface water will be managed.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer.
- Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Environmental Health

No objections subject to conditions in respect of hours of construction, piling operations, piling methodology, lighting and a scheme to minimise dust.

The Contaminated Land team request an additional phase II suvey.

Education

No comments received at the time of report preparation

Greespaces

No comments received at the time of report preparation

Highways

The Strategic Highways Manager has assessed this application and recommends that the following informative be attached to any permission which may be granted for this development proposal:

Informative:- Prior to first development the developer will enter into and sign a Section 184 Agreement under the highways Act 1980 and provide a new vehicular crossing over the highway verge in accordance with Cheshire East Council specification.

5. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

6. OTHER REPRESENTATIONS

- None received at the time of report preparation.

7. APPLICANT'S SUPPORTING INFORMATION:

- Ecology Report
- Utilities Report
- Design And Access Statement
- Contaminated Land Report

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 20 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

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

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

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

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

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Furthermore, it must also be acknowledged that according to the applicant the care home proposal would secure and generate 26 jobs full time jobs.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Loss of Community Facility

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

Affordable Housing

The Interim Planning Statement: Affordable Housing states at paragraph 3.2 that there is a requirement for affordable housing to be provided on any windfall sites with more than 15

dwellings or that exceed 0.4ha in size located in settlements with a population of more than 3,000.

It goes on to state at paragraph 3.3 – *The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. This proportion relates to the provision of both social rented and/or intermediate housing, as appropriate.* The Strategic Housing Market Assessment identified a preferred tenure split of 65% social rented and 35% intermediate tenure affordable dwellings across Cheshire East.

The Strategic Housing Market Assessment 2010 identified a requirement for 256 new affordable homes each year between 2009/10 – 13/14 in the Crewe sub-area. This is made up of a requirement for 123 x 1 bed, 20 x 2 bed, 47 x 3 bed, 40 x 4/5 bed and 26 x 1/2 bed older persons dwellings each year.

In addition to this information taken from the SHMA, Cheshire Homechoice, which is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East, indicates that there are currently 457 applicants who have selected either Alton Street or Wistaston Green (which are the nearest re-housing areas to the site) as their first choice. The number of bedrooms that these applicants have stated they require are 108 x 1 bed, 185 x 2 bed (10 of which would consider a flat) 133 x 3 bed, 11 x 4/5 bed properties. 20 applicants have not stated the number of bedrooms that they require.

Therefore, Housing Officers would support a development of affordable housing at this location in terms of need and demand.

The application details suggest this is a joint application from Renew Land & Wulvern Housing Association and the application form states that the residential units proposed are 20 x 4 bed social rented flats/maisonettes. Housing Officers would not support development of 4 bed flats/maisonettes as affordable housing as there is no identified need for them and the welfare reform changes will have significant impacts in respect of the ability to find tenants to occupy them. However it has been assumed there is an error on the application form as the proposed dwellings on the plans which have been submitted are different.

The Design and Access Statement and the plans show a proposed mix of 16 x 1 bed apartments and 4 x 2 bed apartments, although, there are welfare reform implications in respect of 2 bed flats. However, one of the applicants is a Registered Provider and housing officers expect that they would have had input into the proposed mix of properties and are willing to accept it. Based on the housing need information from the SHMA 2010, and taking account of the number of applicants on Cheshire Homechoice, Housing Officers have no objection to this mix of properties.

Wulvern have advised that all the dwellings will be provided as affordable rent and Housing Officers can confirm that although this does not meet the preferred tenure split in the SHMA 2010 it is acceptable as there a number of applicants on their waiting list for rented dwellings.

In summary, therefore, the proposal is considered to be acceptable by Housing Officers subject to a condition to secure the affordable housing.

Education

The comments of the education officer were awaited at the time of report preparation and a further update to Members will be provided prior to their meeting.

Amenity

The gable elevations of the proposed building will adjoin the blank gables of the neighbouring dwelling in Alton Street, and the adjacent church in Stewart Street and will not project beyond their existing front and rear elevations. Therefore no amenity issues are raised in respect of these properties.

The front elevation of the proposed building will be sited 13m from the front elevations of the existing dwellings on the opposite side of Stewart Street and 17m from the properties on the opposite side of Alton Street. It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and therefore, no overshadowing issues are raised. A distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. Whilst, the proposal will not comply with this standard, it is accepted that separation distances between the front elevations of properties in traditional, tightly knit, terraced streets such as Alton Street and Stewart Street, are lower than those which would be expected in modern suburban housing estates and the separation distances in this case would be equivalent to that between the existing properties on opposite sides of those streets.

A distance of between 10m and 15m will be maintained between the proposed building and the rear site boundary, which will be sufficient to avoid any overshadowing of the garden areas to the rear of the properties in Alton Street. Whilst the windows in the rear elevation of the building may result in some overlooking of these garden areas, it is generally accepted that some degree of overlooking is inevitable in high density residential areas such as this, and it is not considered that the proposal will result in any significant worsening of this situation. There will be no loss of light to the adjacent church as this lies to the south of the site, and a distance of over 40m will exist between the nearest principal windows in the south elevation of the proposed building and the boundary with the church.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Design and the Built Environment

The proposed block would be sited in the north west corner of the site, and would create an active frontage to both Stewart Street and Alton Street, particularly given that both these elevations include windows and doors opening onto the street. Parking and amenity areas would be hidden behind the building to the rear of the site, thus avoiding a car dominated frontage. The building would also respect the existing building lines on these streets, which will assist it in blending into the existing urban fabric. Small front garden areas are proposed

between the building and the highway boundary which will create elements of “defensible space” in front of the dwellings. This is all considered to be positive in urban design terms.

The surrounding development comprises predominantly traditional, two storey terraced properties, of brick and tile construction. The proposed building is also a traditional pitched roof design finished in red brick with artificial stone window cills and lintels, which along with small gable features add interest to the elevations. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity. The overall building height is two stories and single storey, where it adjoins existing development in Stewart Street and Alton Street respectively, rising to three stories at the junction of the two roads which creates a focal point in this prominent location. These are also considered to be positive features.

Overall it is considered that this is a good design which respects the character and appearance of the area in which it is located and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Drainage/Flood Risk

The Environment Agency and United Utilities have considered the application and raised no objection to the application subject to appropriate conditions and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Highways

The existing access arrangements to the site include an element of frontage parking on Alton Street, and an access to an existing car park to the rear of the pub from Stewart Street. These would be closed and the pavement made good, and a new access to the site would be created further to the south on Stewart Street. This would serve a rear parking area of 21 spaces. This would reduce the number of access points and move the main site access further from the road junction which is considered to be betterment in highway safety terms. With regard to the design of the access and the level of parking provision, it is noted that the Strategic Highways Manager has raised no objection and it is therefore considered that a refusal on highway safety, traffic generation or parking grounds could not be sustained.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children’s play space per dwelling. As this scheme is for only 20 dwellings, no on-site open space requirement is generated. However, the policy goes on to say that in small residential developments likely to be occupied by less than 50 people contributions will be required towards open space provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development. The Council’s Greenspaces Officer has been consulted with regard to this issue and a response was awaited at the time of report preparation. A further update will be provided to committee prior to their meeting.

None of the flats proposed have private garden space. However, a small area of private amenity space will be provided on site which, if well landscaped could be of benefit to residents. This could be secured as part of the detailed landscaping condition.

Trees and Landscaping

There are two existing trees within the site, neither of which benefit from a Tree Preservation Order. The smaller tree, on the Stewart Street frontage would be removed in order to create the site access. Whilst this loss is regrettable, given its small size it has limited amenity value within the street scene and in view of the lack of TPO protection it is not considered that a refusal on tree grounds could be sustained.

The larger tree in the south east corner of the site, which is a more prominent specimen, would be retained and integrated into the development. The building itself would be located approximately 15m from the trunk of the tree, at the closest point, and outside its crownsread. Sufficient separation will be maintained to avoid any amenity issues for future occupiers which might result in pressure to remove or prune the tree.

The area around the tree would be predominantly used for the on-site amenity space, although 2 of the parking spaces would encroach within its' crownsread. As the tree is not protected, and is located to the rear of the site, this would not provide sustainable grounds for refusal. However it is considered to be appropriate condition the use of specially construction measures for these spaces, and tree protection measures to ensure that the tree is not damaged during the construction process.

With regard to proposed landscaping, planting is proposed, particularly to the boundaries, which will help to reduce the visual impact of the development. Landscaping has been added to the frontage at the north and east boundary of the site to improve the appearance of the frontage with a green buffer between the public pavement and private apartments. The shrubs will also act as a physical barrier for security reasons to provide protection for the ground floor properties. Landscaping had been added to the rear within the pockets of space around the parking spaces to be filled with shrubs or trees. Proposed tree planting will compensate for the loss of the tree to be removed to create the site access. As far as species are concerned, it would be appropriate to utilise native trees and shrubs to the perimeter with more ornamental planting within the site. This detail can be secured by condition.

Turning to hard landscaping, the rear boundaries to the east and south are to be defined by the existing brick walls. According to the design and access statement the surface materials will be limited across the site, with different materials, granite setts, used to define transition between different areas of the site i.e. private and public. The access road will be constructed with Tegula (or similar approved) block paving, with parking spaces in tarmac. These details are considered to be acceptable and can also be secured by condition.

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 NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

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 been consulted on the application and confirmed that the application is supported by an acceptable phase one habitat survey and bat survey. He advises that there are unlikely to be any significant ecological issues associated with the proposed development.

8. CONCLUSIONS

The proposal would not result in a detrimental impact upon the supply of employment land or premises in the Borough given that much of the site is underused and that the proposal also allows for the creation of over 80 new jobs. The redevelopment of both sites would not result in a loss of amenity to existing or future occupiers and the development would deliver considerable local environmental enhancements. A satisfactory access arrangement can be provided and the proposal would not result in a threat to highway safety or excessive impacts upon the local highway network. The proposal would deliver much needed affordable housing and any lost car parking can be reinstated on land within the remaining part of the railway works.

9. RECOMMENDATION

APPROVE subject to completion of a Section 106 agreement to secure any necessary open space and education contributions and the following conditions:

- 1. Standard 3 year time limit**
- 1. Compliance with approved plans**
- 2. Submission and approval of materials**
- 3. Submission and approval of cycle parking within scheme**
- 4. Submission and approval of contaminated land mitigation measures**
- 5. Dust control measures**
- 6. Piling hours to be restricted**
- 7. Piling method Statement**
- 8. Submission and approval of external lighting details**
- 9. Construction Hours to be restricted**
- 10. Bin Storage**
- 11. Submission and approval of boundary treatment**
- 12. Submission and approval of noise mitigation measures**
- 13. Submission and approval of landscaping**
- 14. Implementation of landscaping**
- 15. Provision of Parking**
- 16. Access works to be carried out prior to first occupation**
- 17. Affordable Housing**
- 18. Tree Protection**
- 19. Implementation of Tree protection**
- 20. Special construction measures under trees**
- 21. No surface water, only foul water to discharge to sewer**
- 22. Submission of scheme of drainage**

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Application No: 13/1022N
Location: 39, CHURCH LANE, WISTASTON, CW2 8HA
Proposal: Listed building consent for replacement windows
Applicant: Mr Joseph Richardson
Expiry Date: 16-May-2013

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES:**

- Principal of Development
- Design

REFERRAL

This application is to be dealt with under the Council's delegation scheme. However, Councillor Simon has requested that it be referred to Committee for the following reason:-

"To enable full consideration of the proposed replacement windows in a listed building".

DESCRIPTION OF SITE AND CONTEXT

The applicants property is a large two storey detached building, located in a prominent location adjacent to St. Mary's Church. The property is located within an extensive residential curtilage and is in a predominately residential area. The property is a Grade II Listed Building and is constructed out of red facing brick under a tile roof.

DETAILS OF PROPOSAL

This is a full application seeking Listed Building consent to replace the windows on the front elevation of the host property for Oak timber framed double glazed units at Church House Farm, Wistaston.

RELEVANT HISTORY

7/18127 - O/A for residential development – Approved – 27th September 1990
7/19855 - Residential development comprising 73 houses and 12 bungalows. PD rights removed under condition 6 – Approved – 29th August 1991
P91/0176 - Various temporary directional signs – Withdrawn – 15th January 1992

P91/0218 - Erection of 7 no dwellings on site frontage and substitution of house types. PD rights removed under condition 4 – Approved – 6th February 1992

P92/0686 - Substitution of house types. PD rights removed under condition 2 – Approved – 28th September 1992

P94/0387 - Substitution of house types (excluding Plot 50). PD rights removed under condition 2 – Approved – 2nd June 1994

P97/0379 - LBC for front porch and replacement window sills – Approved – 11th July 1997

P97/0539 - LBC for conversion of dairy room to conservatory and installation of UPVC windows and French doors – Approved – 21st August 1997

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.2 (Design Standards)

BE.9 (Listed Buildings: Alterations and Extensions)

CONSIDERATIONS (External to Planning)

N/A

VIEWS OF THE PARISH / TOWN COUNCIL

No objections

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted with the application

OFFICER APPRAISAL

Principal of Development

The principle issues surrounding the determination of this application are whether the development would respect the pattern, character and form of the surroundings, in

accordance with policies BE.2 (Design Standards) and BE.9 (Listed Buildings: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used.

Development Control guidance advocated within the National Planning Policy Framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not to accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. (Para 64). It is considered that this proposal does detract from the character of the host property and will have a detrimental impact on the appearance of the area and is not in accordance with advice stated within NPPF.

Policy BE.9 (Listed Building: Alterations and Extensions) states that development proposals for the alteration or extension of a listed building, or any feature of special or architectural or historic interest which contributes to the reasons for its listing, will not be permitted unless:

- The proposal respects the scale, materials, colour, detailing and other significant features of the building concerned; and
- The proposal does not detract from the character or setting of the building concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

The NPPF intimates that subsequent alterations to historic buildings do not necessarily detract from the quality of a building. They are often of interest in their own right as part of the building's organic history. Successful alterations require the application of an intimate knowledge of the building type that is being altered together with a sensitive handling of scale and detail. It is considered that the proposed alterations do not preserve the historic fabric of the building and the proposal is not in accordance with advice stated in NPPF and policy BE.9 (Listed Buildings: Alterations and Extensions)

Design

The applicant is proposing on replacing a number of windows on the front elevation of this Grade II Listed Building with timber framed double glazed units. It is noted that a number of other windows on the building have already been replaced with similar double glazed units. However, it is considered that the fabric of the building will always be an important part of the assets significance. Therefore, the retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair.

It is considered that the use of timber framed double glazed are unsympathetic alterations and the proposal would detract from the character and appearance of the host property. A more sympathetic approach is the use of secondary glazing which is advocated by the Conservation Officer. Overall, it is considered that the proposed alteration would have an adverse impact on the architectural and historic interest of this Listed Building, contrary to

advice advocated in Policy BE.9 (Listed Buildings: Extensions and Alterations) and the National Planning Policy Framework.

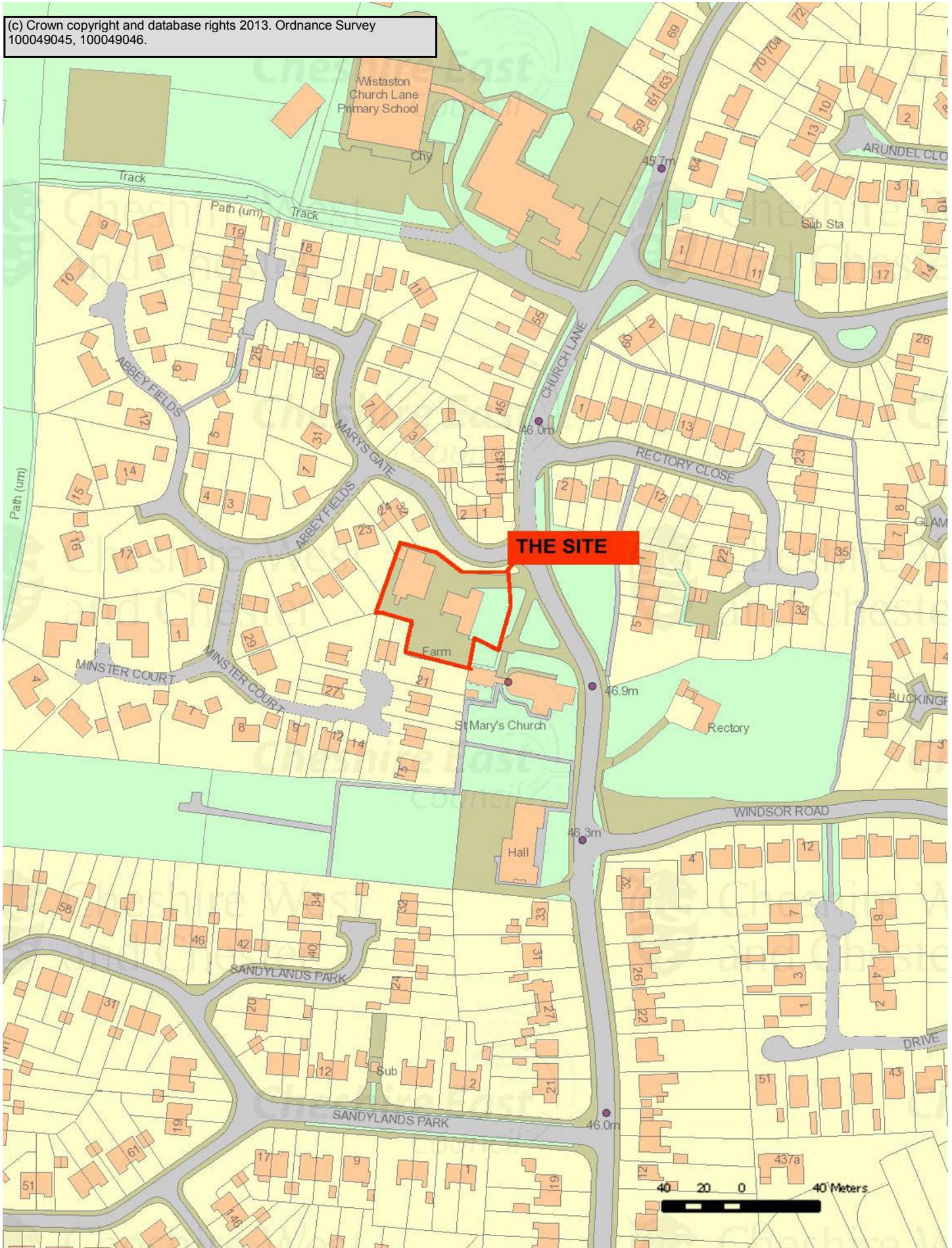
CONCLUSIONS AND REASON(S) FOR THE DECISION

The Local Planning Authority considers that the proposed use of timber framed double glazing does not respect the detailing of the original building and would have a significant adverse impact on the overall architectural and historic interest of this classically designed listed building. The proposal fails to safeguard the character and setting of the listed building and does not enhance the built environment, as such the proposal is contrary to Policies BE.2 (Design Standards) and BE.9 (Listed Building: Alterations and Extensions) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice contained in the National Planning Policy Framework.

Application for Listed Building Consent

RECOMMENDATION: Refuse approval

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Application No: 13/1200C
Location: 36, HAWTHORNE CLOSE, HOLMES CHAPEL, CW4 7QD
Proposal: Ground and First Floor Side/Rear Extension to Dwelling
Applicant: Mr & Mrs S Double
Expiry Date: 16-May-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Design
- Amenity

REASON FOR REFERRAL

Councillor Gilbert called the application in to the Southern planning committee

“To consider whether the proposal amounts to over-development of the site having regard to its impact on the street scene and the amenity of neighbours and the relationship of the proposed extension to the original dwelling.”

DESCRIPTION OF THE SITE AND CONTEXT

The development site, No 36 Hawthorne Close, is a detached dwelling constructed from a modern buff brick with a tiled roof. No 36 sits at the head of a small cul-de-sac that in its self forms part of a larger development of modern detached dwellings. The surrounding properties are constructed in a similar style with several different designs pepper-potted across the estate.

DETAILS OF THE PROPOSAL

The proposed development is a two-storey side and rear extension to form an extended kitchen and new utility room and an En-suite bedroom above. The proposed development links with a canopy at ground floor level to an existing garage.

RELEVANT HISTORY

24904/3 Permission for 58 houses, approved (PD rights removed)

POLICIES

Local Plan Policy

GR1 New Development,
GR2 Design,
GR6 Amenity and Health

Other Material Considerations

NPPF

CONSULTATIONS (External to Planning)

Jodrell Bank (Manchester University)

Raise no objection to the proposed development but included an advice note detailing how to improve the interference environment around the telescope

VIEWS OF THE PARISH COUNCIL

None received at the time of writing.

OTHER REPRESENTATIONS

The residents of No 38 Hawthorne Close objected on the following grounds to the plans as originally submitted;

- Loss of outlook
- Loss of sunlight

OFFICER APPRAISAL

Principal of Development

The proposed development lies within the Congleton Borough Council Local Plan Settlement Zone Line. For new development within the Settlement Zone Line there is a presumption that development will be permitted subject to design and amenity issues.

The original submission that triggered objection from the neighbour and the call in to planning committee had a two storey rear projection that had the potential to cause significant harm to the amenity of residents of No 38. A revised submission was made that reduced the first floor rear projection to zero.

Design

The host dwelling is of a modern design, its form is broken up by an asymmetric frontage including a forward facing 2 storey gable and canopy porch, and there are simple architectural details enhancing the fenestration. The proposed development is subordinate to the host, the front building line is set back approximately 1.75m and the ridge line approximately 0.6m below that of the host. The materials specified in the planning application are to match the existing materials and the architectural detailing shown on the elevation drawings match those of the host and surrounding properties.

It is considered that the proposed development will not form an intrusive feature in the street scene as it is subordinate to the host dwelling, additionally the existing street scene will be enhanced by the addition of the proposed development adding to the diverse range of house designs across the estate. Therefore it can be seen that the proposed development is in accord with policy GR2 (Design)

Amenity

The revised design submitted 29th April 2013 addresses all of the concerns raised by the original submission. The revised plans show a two storey side extension with a single storey ground floor rear extension projecting 3m towards the detached garage with a canopy roof

extending a further 0.8m to meet the garage providing covered access to the rear of the property.

The single storey element has a two pitch roof with an overall height of approximately 3.8m, It is not considered that this is high enough to materially affect the amenity of neighbouring residents, the two storey element of this proposal fits within the profile of the existing dwelling and has one rear facing window, this element does not materially affect the amenity despite the additional window at first floor level as there are existing windows in the rear elevation and close set properties in an estate environment have to be prepared to accept a nominal loss of privacy due to the proximity of neighbours. The potential harm is in this case in some way mitigated by the separation of private amenity space by an existing detached two car garage.

It is considered that the proposed development raises no significant amenity issues and as such is in accord with Local Plan Policy GR6 (Amenity and Health)

Other Matters

The proposed development would take up at least one parking space (approximately 2.5m x 8m) however as the remaining allocated parking area in front of the garage can still comfortably accommodate five cars it is not considered that the loss of parking space by the construction of this extension will cause any harm to the street scene or amenity of neighbouring residents.

CONCLUSIONS

The proposed development will not harm the character of the existing street scene and will not raise any material amenity issues. It is concluded that the proposed development meets the requirements of the Congleton Borough Local Plan Policies; (GR1 New Development, GR2 Design, GR6 Amenity and Health)

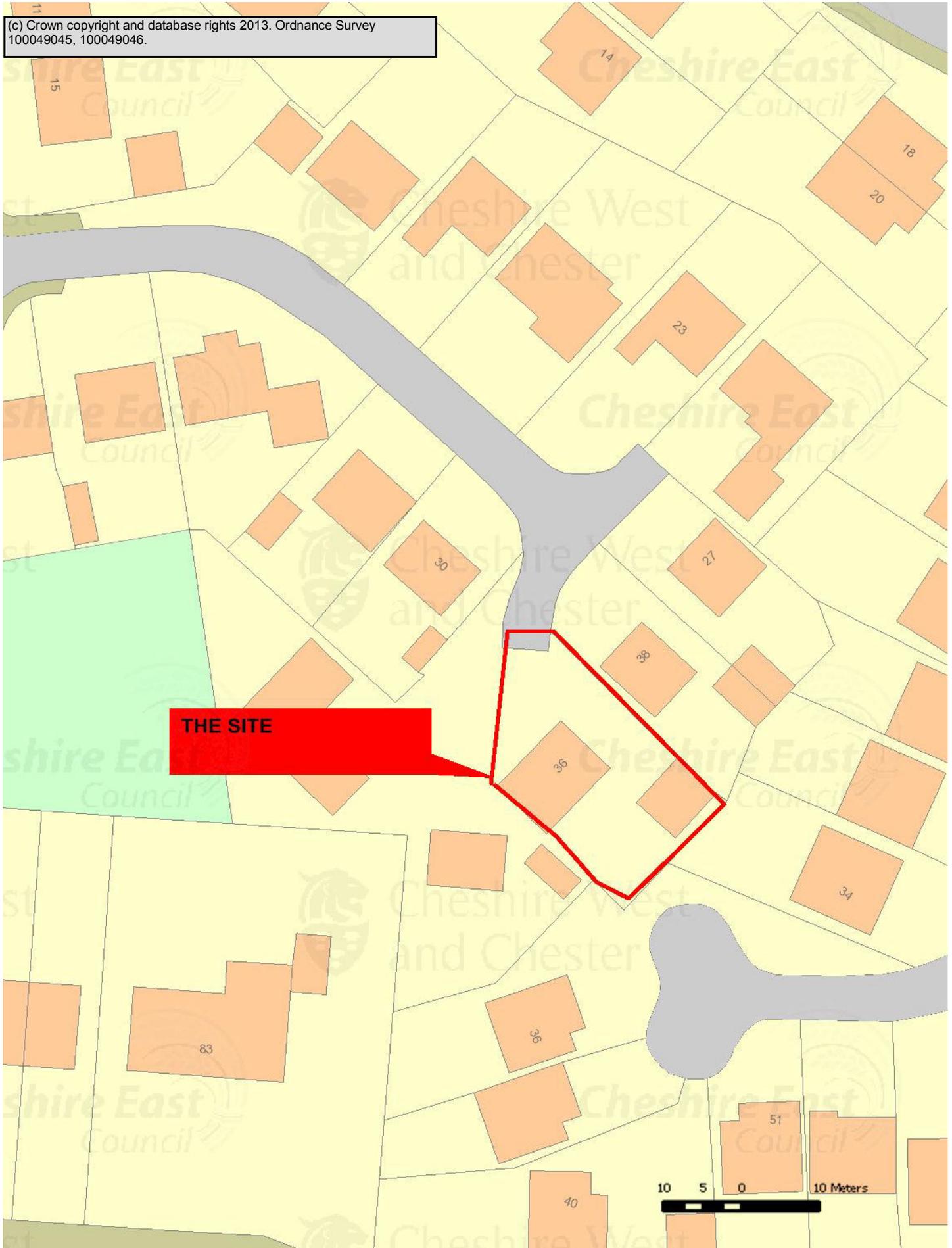
RECOMMENDATIONS

Approve subject to the following conditions

1. Standard time
2. In accordance with submitted plans
3. Materials to match existing

Application for Householder

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Application No: 13/1379C

Location: Land Adjacent to Ivy House, Holmes Chapel Road, Somerford, Congleton, CW12 4SP

Proposal: Construction of two new dwellings (Resubmission of planning application reference 12/4860C)

Applicant: Arthur Davies

Expiry Date: 22-May-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions, in the event that a solution can be identified that overcomes the existing visibility splay concerns raised by the Strategic Highways Manager

OR

REFUSE on highway safety grounds

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 on protected species

REASON FOR REFERRAL

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

'The proposal is not sustainable; road safety issues relating to the A54; the design and character of the proposal is not in keeping with the local area; the potential precedent implications on other proposals in the same area. The significant concerns or potential significant impact of the development and need for a Planning Committee decision are as follows; a recent planning application 12/3807C for land immediately adjacent to proposal 12/4860C was refused by the Southern Planning Committee on 13th December 2012 despite a recommendation to approve from the Planning Officer. This application 12/4860C should receive the same level of review by the Planning Committee to ensure consistency. The main reason for refusal of 12/3807C was a lack of sustainability which therefore also applies to

12/4860C. This relates to the lack of schools, shops and other facilities in the area. The proposal 12/4860C is for a 'tandem' development with one house behind the other which is not in keeping with the design and character of nearby houses. There is no pedestrian pathway on the nearby A54 and there are significant concerns for the safety of local people from vehicular traffic if this proposal proceeds. The proposal is for large 'family' houses but there are no safe means for children to access leisure activities other than being taken by car and so the future of these people is compromised. There are a number of current and recent developments in the same area of Brereton Heath and a Planning Committee can look at the bigger picture implications.'

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a relatively flat, 'L-shaped' field to the southeast, south and southwest of Ivy House, a semi-detached dwelling on the southern side of the A54, Brereton within the Brereton Heath Infill Boundary Line.

DETAILS OF PROPOSAL

Full Planning permission is sought for the erection of 2 detached dwellings.

RELEVANT HISTORY

12/4860C - Construction of two new dwellings – Withdrawn 12th February 2013

12/3807C - Proposed Residential Development Comprising of 25 no. Dwellings (inc.7no. Affordable Units) Together with the Creation of a New Access (Adjacent site) – Refused 13th December 2012

10238/1 – Bungalow on plot of land – Refused 13th February 1980

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS6 – Settlements in the Open Countryside and the Green Belt

GR1 General Criteria for Development

GR2 Design

GR6 Amenity and Health

GR9 Highways & Parking

NR1 – Trees and Woodlands

NR2 – Wildlife and Conservation – Statutory Sites

H1 & H2- Provision of New Housing Development

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

CONSULTATIONS (External to Planning)

Environmental Health – No objections, subject to conditions relating to hours of construction, hours of piling, the prior submission of a piling method statement and the insertion of a contaminated land informative.

University of Manchester (Jodrell Bank) – No objection, subject to a condition regarding the provision of electromagnetic screening measures.

Strategic Highways Manager – Concerns about the appropriate visibility splays being achieved.

VIEWS OF THE PARISH COUNCIL:

Somerford Parish Council – Object to the proposal. It has been advised that *'Houses out of character to other local dwellings. Moves away from the ribbon development along the road to moving further back from the main road. It introduces approx 4 move cars onto the dangerous A 54. Family orientated houses which are un stainable. The access over developed for just two houses, the A54 is a very busy dangerous road.'*

OTHER REPRESENTATIONS:

8 neighbouring letters of objection have been received. The main areas of concern:

- Site is unsustainable for residential purposes / lack of local amenities
- Proposal is contrary to the NPPF
- No proven demand for housing in this area
- Site is a rural area and the development would be 'out of character'
- Proposed dwellings are too large
- Highway safety

SUPPORTING INFORMATION:

Planning & Design and Access Statement
Highway Assessment
Habitat Survey
Great Crested Newt Mitigation Plan
Highway Technical Note

OFFICER APPRAISAL

Principle of development

Policy PS6 of the Local Plan advises that within the infill boundary lines, only limited development is permitted in accordance with Policy H6 where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with any other policies of the Local Plan.

Policy H6 advises that residential development will not be permitted unless it falls into one of a number of categories. One of these categories is *'limited development within the infill*

boundary line of those settlements identified in Policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance.'

The principal acceptability of this application is determined as to whether the development should be considered as *'limited development'* and whether this development would be *'appropriate to the local character in terms of use, intensity, scale and appearance'*. Given that the development is for 2 dwellings only, it is considered that the proposal should be considered as *'limited development.'*

The site is currently characterised by linear detached and semi-detached residential development which lies parallel to the A54 to the northwest and north. To the southeast is an open field and then a cul-de-sac development (Broomfields) which stems south off the A54. To the rear of Wood View, The Orchard and The Poplars Nursery to the northwest and west of the site there are a number of larger outbuildings that would extend further to the rear of the proposed development site.

As a result of the layout of this local existing development, it is considered that the addition of a further 2 detached dwellings in the layout proposed would respect the local character in terms of its use and intensity.

In terms of scale and appearance, the nearby properties are mixed with regards to their form and finish. There are semi-detached two storey dwellings, detached and semi-detached bungalows, dormer bungalows and detached two-storey dwellings. These units have a mixture of open brick and rendered finishes, dual-pitched and hipped roofs, white uPVC and wooden fenestration. As such, the appearance and scale of the new units are not considered to appear incongruous within their immediate setting.

It is considered that the development would adhere with Policy H6 and subsequently PS6 of the Local Plan.

One of the core principles of the NPPF 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."***

Given that the proposed development falls within an infill settlement boundary, the principle of limited development in the form of 2 new dwellings at this site is deemed to be acceptable.

Design

Policy GR2 of the Local Plan advises that the proposal should be sympathetic to the character, appearance and form of the surrounding site in terms of; the height, scale form and grouping, the choice of materials, external design features and the relationship with neighbouring properties.

As advised, the neighbouring development consists of a mixture of dwelling forms and finishes. As such, there is no particular local vernacular to adhere to. The development site is

currently separated from the A54 by a post and rail fence. The first of the 2 proposed dwellings would be inset to the south of this road by approximately 25 metres. This dwelling would face the road and be constructed on a similar building line to the adjacent properties to the northwest. As such, it would not appear incongruous in terms of its siting.

The second property proposed would be to the rear of the site, approximately 32 metres behind (to the southwest) the first proposal. It would be sited parallel to a number of green houses that are sited to the rear of the properties adjacent to the site and to the rear of the dwellings that front the A54.

Given the presence of this existing adjacent built development, the extension of the built environment in this location immediately adjacent would not appear incongruous. A new access point onto the A54 servicing a proposed new shared driveway would extend along the western boundary of the site with access to both properties feeding from it.

The dwelling proposed on plot no.2 to the front of the site would be the smaller of the 2 with a footprint of approximately 179 metres squared and a height of approximately 8.3 metres. The dwelling proposed on plot no.1 (the the rear), would have a footprint of approximately 304 metres squared and a height of approximately 8.7 metres.

Given the range of dwelling heights and footprints within the vicinity of this development, it is considered that the height and scale of these dwellings would be acceptable.

Limited information has been provided with regards to the proposed materials that would be used in the construction of these dwellings. As such, it is proposed that should this application be approved, a condition requesting the prior submission of material details be submitted.

The dwelling proposed on plot no.1 would be characterised by its elongated design. It would be a two-storey unit with a pitched roof and would include a single-storey sun lounge and a two-storey rear outrigger. The dwelling proposed on plot number 2 would also be a two-storey unit but narrower in design. It would have a lower pitched roof than the other dwelling and incorporate an integral garage and a single-storey side addition.

It is considered that these dwellings would include acceptable design features that would not be out of character in this area of mixed forms.

As a result of the above, it is considered that the proposal would adhere with policy GR2 of the Local Plan.

Residential Amenity

Policy GR6 of the Local Plan advises that development should not be permitted if it would have a detrimental impact upon neighbouring amenity by way of loss of light, visual intrusion or loss of privacy.

The neighbour that would be most impacted by the proposal would be the applicant, Ivy House. The side elevation of the dwelling proposed on plot no.2 would be approximately 15 metres parallel to the side elevation of this neighbouring dwelling.

On the relevant side elevation of this proposed dwelling, the only opening proposed is a secondary lounge window. On the relevant side elevation of Ivy House there are 2 secondary side windows. Separating the two dwellings at present is a hedge approximately 1.8-metres tall.

Paragraph 2.8 from SPG2 advises that a minimum separation distance of 13.8 metres should be achieved between windows facing directly the flank elevation of an adjacent dwelling. As this distance is achieved and because none of the windows impacted would be principal windows to habitable rooms, it is not considered that the development would have a detrimental impact upon neighbouring amenity to this side in term of loss of privacy, loss of light or visual intrusion.

Given the 32-metre separation distance between this dwelling and the proposed dwelling to the rear, it is not considered that the development would have any impact upon the amenities of the other dwelling proposed (and vice-versa).

There would be no neighbouring amenity issues created to any other side due to the large separation distances.

With regards to environmental disturbance, Environmental Health have raised no objections, subject to an hours of construction, hours of piling, the prior submission of a piling method statement and the insertion of a contaminated land informative.

As a result of the above, once conditioned, it is considered that the development would adhere with policy GR6 of the Local Plan.

Highway Safety

The proposed development would involve the creation of a new access onto the A54 and the provision of an access road along the eastern boundary of the site which will access both properties.

In response to this consultation, the applicant has submitted a proposed access plan and a Technical Note.

The Council's Strategic Highways Manager has advised that;

'The Strategic Highways Manager has assessed this proposal and the professional highway report and drawings from SCP Transport Planning and has visited the site. The proposal requires a new access to be formed as none exist at this location at this time.

It is clear from the site observations that the third party hedge line fronting the A54 Holmes Chapel Road in the leading direction obstructs junction visibility and compromises the visibility splay claimed by SCP. The actual available splay is approximately half that claimed and this is insufficient for an access in this location within the 50mph speed limit.

This clear impediment renders the current junction proposal ineffective and the Strategic Highways Manager can not support the proposal given this concern. It is also clear that the

drawing provided is worked up from an Ordnance Survey base which does not satisfactorily represent the specific details of the A54 frontage to and either side of the site.

The proposed visibility in the non-leading direction is adequate and the offered geometry with 6 metre kerb radii and 4.8 metre wide entry carriageway would provide safe interaction between access and egress movements.

As a result of the concern over visibility the Strategic Highways Manager can only recommend that this application be refused.'

Subsequent correspondence between the Strategic Highways Manager and the highways consultant employed by the applicant has so far failed to agree upon a suitable alternative. Until any suitable alternative is identified, it is considered that the proposed development would fail to adhere with Policy GR9 of the Local Plan.

In the event that a suitable alternative can be achieved, and in the absence of any objections from the Council's Strategic Highways Manager, the proposed development would adhere with Policy GR9.

Protected Species

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 NR2 states that:

PROPOSALS FOR DEVELOPMENT THAT WOULD RESULT IN THE LOSS OR DAMAGE OF THE FOLLOWING SITES OF NATURE CONSERVATION OR GEOLOGICAL IMPORTANCE WILL NOT BE PERMITTED:

- **RAMSAR SITES (WETLANDS OF INTERNATIONAL IMPORTANCE)**
- **SITES OF SPECIAL SCIENTIFIC INTEREST (SSSI's)**
- **ANY SITE OR HABITAT SUPPORTING SPECIES THAT ARE PROTECTED BY LAW**

DEVELOPERS WILL BE REQUIRED TO SUBMIT A COMPREHENSIVE ASSESSMENT OF A PROPOSALS IMPACT ON NATURE CONSERVATION AS PART OF AN APPLICATION TO DEVELOP A SITE WHICH MAY AFFECT ANY OF THE ABOVE.

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.

Overriding Public Interest

With the granting of this permission, mitigation measures will be secured that will protect the future of the protected species on the site.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No development on the site

No Development on the Site

If there was no development, no mitigation measures for the protection of the Great Crested Newt would be secured.

Favourable conservation status

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed mitigation measures will secure the future protection of Great Crested Newts.

Following the submission of a Phase 1 Extended Habitat Survey, Great Crested Newt Survey/Assessment and mitigation / compensation proposals, the Council's Nature Conservation Officer has advised that;

'Great Crested Newt

The proposed development is located to the north of a pond known to support a small population of great crested newts. The submitted ecological assessment states that the

proposed development is located 180m from this pond, however this pond appears to be 120m away when measured on the Council's OS plan.

The site of the proposed development supports habitats which are of relatively low value for this species; however the proposed development would pose the risk of killing/injuring any animals present when the proposed works were undertaken.

To mitigate the risk posed to individual animals the applicant ecologist is proposing the exclusion and removal of animals from the development foot print by means of stand best practice methodologies that would be subject to a Natural England license. The loss of habitat will be compensated for by means of an hibernacula constructed outside the development site.

I advise that if planning consent is granted the proposed mitigation/compensation would be adequate to maintain the favourable conservation status of the species concerned. If planning consent is granted the following condition should be attached:

The proposed development to proceed in accordance with the submitted Great Crested Newt Mitigation Strategy rev. B unless varied by a subsequent natural England license.

Reason: to safeguard biodiversity in accordance with the NPPF.

Badgers

The proposed development is located a considerable distance from the nearest badger sett. I advise that the proposed development is unlikely to have a significant impact upon this species.

Breeding Birds

If planning consent is granted a standard condition as below will be required to safeguard breeding birds.

Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.

Reason: To safeguard protected species in accordance with the NPPF.'

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

Other Matters

The refusal of planning permission 12/3807C on the adjacent site is a material consideration. This application was for the erection of 20 dwellings. The application was refused as it was considered that the site *'does not constitute sustainable development, due to its remote location, isolated from shops, services, employment sites, schools and other facilities...'*

As the site lies adjacent to the proposed development site, the same policies apply. However, the difference between this proposal and the adjacent refused application is the number of

units proposed. It is considered that the addition of 2 units would constitute 'limited development' whereas the 20 units would not. As such, it is considered that the proposed development adheres with Local Plan policy in this instance and is not a variance with the NPPF.

The relationship between the proposed properties of this development and the properties proposed on the adjacent, refused site is also a material consideration.

No issues between the house proposed on plot no.2 (to the front of the site) and any of the properties that were proposed on the adjacent site would be created. This is due to the large separation distances between the two and their offset relationship.

In terms of the dwelling proposed on plot no.1, as it is proposed that this dwelling would be constructed at an angle within the site, it would not create any parallel relationships with the closest dwellings proposed on the adjacent site. Furthermore, the closest aspect of this neighbouring proposed development site impacted would be a detached garage. The only potential amenity issue that would be created would be a potential overlooking issue from the first floor windows of the dwelling proposed on plot no.1 and the rear garden of a dwelling proposed on the adjacent site. However, given that this relationship would be offset and given the limited weight that can be given to a recently refused planning application, it is not considered that this issue is significant enough as to warrant refusal of this application.

CONCLUSIONS

The principle of erecting 2 dwellings on a site within the infill settlement boundary is deemed to be acceptable in principle. The dwellings would respect the local character in terms of use, intensity, scale and appearance. In addition the proposal would not raise any concerns for neighbouring amenity or protected species.

However, because concerns have been raised by the Council's Strategic Highways Manager regarding whether suitable visibility splays can be achieved, the development would not create an access that would be to highway safety standards.

As such, without the submission of a suitable alternative to the satisfaction of the Strategic Highways Manager, it is considered that the development would be contrary to Policy GR9 (Access and Parking) of the Congleton Borough Local Plan First Review 2005. The proposal would also fail to adhere with the NPPF.

Should a suitable access alternative be achieved to the satisfaction of the Strategic Highways Manager, the proposed development would be suitable from highway safety perspective.

In so doing, the proposal would accord with Policies PS6 (Settlements in the Open Countryside and the Green Belt), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Heath), GR9 (Access and Parking), H1 (Provision of New Housing Development), H6 (Residential development in the Open Countryside and the Green Belt) and NR2 (Wildlife and Nature Conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005. The proposal would also accord with the NPPF.

RECOMMENDATION

APPROVE subject to conditions, in the event that a solution can be identified that overcomes the existing visibility splay concerns raised by the Strategic Highways Manager

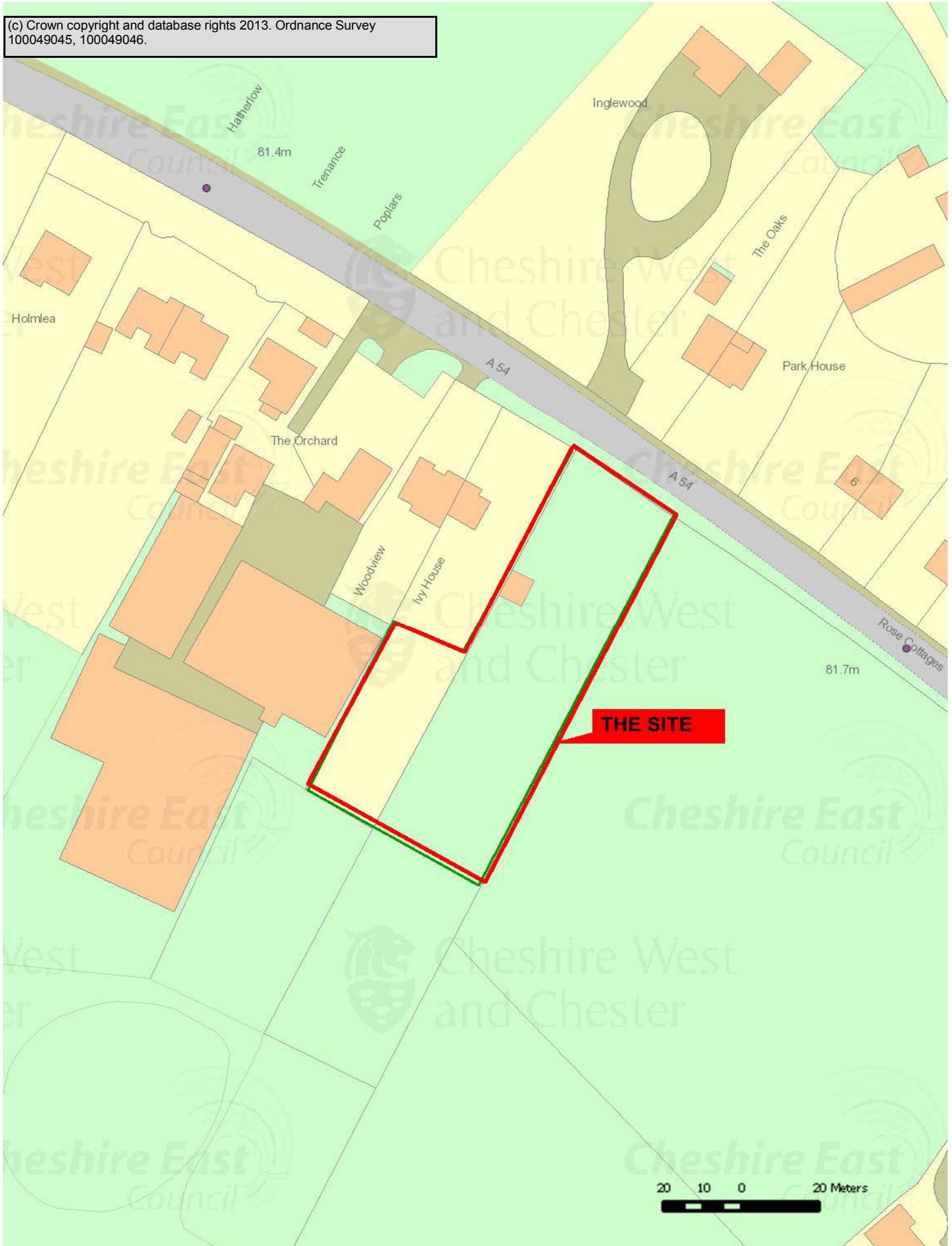
1. Time (Standard)
2. Plans
3. Materials to be submitted
4. Electromagnetic materials
5. Hours of construction
6. Pile driving hours
7. Pile driving method statement
8. Landscaping (Details)
9. Landscaping (Implementation)
10. Boundary Treatment (Details)
11. Newt Mitigation (Implementation)
12. Breeding birds

OR

REFUSE

1. The proposed access to the development site does not achieve the appropriate visibility splays required in order to provide a safe access to and from the site. The proposal would therefore be contrary to Policy GR9 of the Congleton Borough Local Plan First Review 2005 and the NPPF.

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Application No: 13/1385N

Location: LOWER LIGHTWOOD GREEN FARM, WHITCHURCH ROAD, AUDLEM, CREWE, CHESHIRE, CW3 0EP

Proposal: New agricultural cubicle building

Applicant: Mr Chris Dodd

Expiry Date: 26-Jun-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The principle of development
- The impact of the proposals siting and design
- The impact upon neighbouring amenity
- The impact upon highway safety
- The impact upon protected species

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee because it comprises of development that exceeds 1000 square metres.

DESCRIPTION OF SITE AND CONTEXT

The application site is on land adjacent to Lower Lightwood Green Farm, Whitchurch Road, Lightwood Green within the Open Countryside. The site consists of the farmhouse and a number of agricultural units in close proximity. The farm is surrounded by open paddock.

DETAILS OF PROPOSAL

The proposal is for the erection of an agricultural building.

The structure would measure approximately 29.1 metres in length, 40.6 metres in width and would have a pitched roof approximately 5.9 metres in height from ground floor level at its highest point.

RELEVANT HISTORY

11/1884N - Agricultural Building to House New Milking Parlour and Silo Feed Tower – Approved 4th August 2011

P03/0776 – Erection of agricultural building for storage of silage – Approved 19th August 2003

P03/0279 – Ménage – Approved 1st May 2003

P02/1406 – Illuminated Ménage Area – Refused 14th February 2003

P00/0448 – Erection of agricultural building – Approved 14th July 2000

P98/0265 – Agricultural building (GPDO) – Determination not required

7/18668 – Above ground slurry tank – Approved 9th August 1990

7/12882 – Farmhouse extension and private garage – Approved 20th March 1986

7/08189 – Overhead line – Approved 27th October 1981

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

NE.2 – Development in the Open Countryside

NE.5 – Protected Species

NE.14 – Agricultural Building Requiring Planning Permission

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

CONSULTATIONS (External to Planning)

Environmental Health – No objections, subject to a contaminated land informative.

Environment Agency – No objections.

VIEWS OF THE PARISH COUNCIL:

Dodcott Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received at time of report

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement
Flood Zone information

OFFICER APPRAISAL

Principle of development

Policy NE.2 of the Local Plan advises that *'within Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or other uses appropriate to a rural area will be permitted.'*

The supporting Design and Access Statement advises that the development is required for the purposes of housing of cattle. It is advised that the building will be purpose built. It would be divided up to provide winter cattle housing with cubicles for the cattle internally and with a central track to enable tractors and farm machinery to drive down to feed and clean out the building. It is further advised that the new building would enable the farm to further expand and develop and to provide a more functional building for cattle.

As a result of this justification, and the clear evidence of the existing working nature of this farm from the site visit, it is considered that the proposed building would be essential for the purpose of agriculture and as such would adhere with Policy NE.2 of the Local Plan.

Agricultural Building Requiring Planning Permission

Policy NE.14 advises that proposals for agricultural buildings will only be permitted where; the proposal is required for agricultural purposes, the proposal is essential to the agricultural operation, the development is appropriately sited, is of a sympathetic design, adequate provision for the disposal of foul and surface and water drainage is made, the access is sufficient and the proposal would not impact upon amenity.

In response to this policy, it has already been established that this development is required for agricultural purposes and is essential for the agricultural operation of the existing business. It is also considered that the siting of the building would be suitable, as it would be affixed to an existing building within the farm complex, grouped close to other agricultural outbuildings associated with the applicant's farm, which would minimize its impact upon the Open Countryside.

In relation to foul management and drainage, Environmental Health have raised no objections to the building and as such, are satisfied with the development as proposed.

With regards to the proposal's impact upon neighbouring amenity, its design and its impact upon highway safety, these are considered below. As a result, if the developments adhere with these aspects, it would adhere to Policy NE.14 of the Local Plan.

Amenity

The nearest neighbouring dwelling to the proposal would be New House on Lightwood Green Avenue approximately 325 metres to the south of the development. To all other sides of the proposed structure (apart from existing farm buildings), would be open paddock.

As a result of this distance between the proposal and the nearest neighbour, it is considered that the development would not create any issues for neighbouring amenity by way of loss of privacy, visual intrusion or loss of light and, as such, would adhere with Policy BE.1 of the Local Plan and the amenity aspect of Policy NE.14.

Design Standards

In relation to the design, the building would be constructed from a steel-portal frame with concrete panels/block work at the base with Yorkshire type timber panels above. The roof would be constructed from corrugated grey cement fiber or metal interlocking sheets with roof lights all to match the existing cubicle building in terms of materials, colours and sizes.

This design and the choice of these materials are typical for a building of this type and would be acceptable in this country location. As a result, it is considered that the proposal adheres with Policy BE.2 of the Local Plan and the design aspect of Policy NE.14.

Access and Parking

The proposal would be accessed via an existing farm track and as such, it is considered that there would be no highway issues created by this development. As such, the proposal adheres with Policy BE.3 of the Local Plan and the highways aspect of Policy NE.14.

Protected Species

The Council's Nature Conservation Officer has confirmed that he is satisfied that the proposed development would not create any ecological issues and would adhere with Policy NE.5 of the Local Plan.

CONCLUSIONS

It is considered that the proposal would have a minimal impact upon the character of the Open Countryside, be of an acceptable design, would have a minimal impact upon neighbouring amenity, would not have a detrimental impact upon protected species and would be to Highways satisfaction. As a result, the development would adhere to Policies NE.2 (Open Countryside), NE.5 (Protected Species), NE.14 (Agricultural Building Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development would also adhere with the NPPF.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**



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