

Southern Planning Committee

Agenda

Date:	Wednesday, 24th July, 2013
Time:	1.00 pm
Venue:	Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH

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 - 14)

To approve the minutes of the meeting held on 26 June 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. **12/2551C Dingle Farm, Dingle Lane, Sandbach CW11 1FY: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works for The Bene of the Estate of J M Goodwin (Pages 15 - 30)**

To consider the above application.

6. **12/2552C Dingle Farm, Dingle Lane, Sandbach CW11 1FY: Listed Building Consent Application for Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works for The Bene of the Estate of J M Goodwin (Pages 31 - 36)**

To consider the above application.

7. **13/2051C Rue Moss Cottage, Back Lane, Smallwood, Sandbach, Cheshire CW11 2UN: First floor extension (Resubmission of 13/0766C) for Mr R Stockell (Pages 37 - 44)**

To consider the above application.

8. **13/1246C Former Danebridge Mill, Mill Street, Congleton CW12 1XX: Outline Application for 14 residential units, ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft carparking for Mr Ian Shorrocks, Blackmores (d) Ltd (Pages 45 - 54)**

To consider the above application.

9. **13/1267N Land to the rear of Remer Street, Crewe CW1 4LT: Development of 18 residential dwellings at land to rear of 110 Remer Street for Frazer Lloyd-Jones, Thomas Jones & Sons Ltd (Pages 55 - 66)**

To consider the above application.

10. **13/1379C Land Adjacent to Ivy House, Holmes Chapel Road, Somerford, Congleton, CW12 4SP: Construction of one new dwelling for Arthur Davies**
(Pages 67 - 78)

To consider the above application.

11. **13/1443C 22 , Nursery Road, Alsager, Stoke-on-Trent ST7 2TX: Proposed Extensions & Alterations Together With The Erection Of 2 Antenas for B. Steen**
(Pages 79 - 86)

To consider the above application.

12. **13/2187C Land adjacent 5, Middlewich Road, Cranage, Cheshire CW4 8HG: Extension to time limit for implementation of application 11/0748C - Reserved Matters application for 10 dwellings for Cranage Parish Council** (Pages 87 - 94)

To consider the above application.

13. **A proposed new Unilateral Undertaking to amend the Heads of Terms to exclude low cost market housing from Outline planning approval 10/2653C and Reserved matters approval 13/0757C - 'erection of 17 dwellings, associated works and vehicular access for Land off Canal Road, Congleton'.**
(Pages 95 - 98)

To consider a proposed modification to the Heads of Terms of the Unilateral Undertaking relating to outline approval 10/2653C and reserved matters approval 13/0757C.

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, 26th June, 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, W S Davies,
P Groves, A Kolker, D Marren, M A Martin, S McGrory, D Newton and
A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill, J Hammond, S Hogben, A Martin, A Moran, P Nurse
and J Wray

OFFICERS PRESENT

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

Minutes No. 17 and 32 Only:
Chris Hudson (Principal Forestry and Arboricultural Officer)

Apologies

Councillor J Clowes

15 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 13/0493N, Councillor S Davies declared that he had raised money for the applicant's charity when he was Mayor of Crewe and Nantwich Borough Council. In accordance with the code of conduct, Councillor Davies withdrew from the meeting during consideration of this item.

With regard to application number 13/1864N, Councillor S Davies declared that he knew the applicant. In accordance with the code of conduct, Councillor Davies withdrew from the meeting during consideration of this item.

Councillor P Butterill declared that she had received correspondence regarding application number 12/4741N. Councillor Butterill also declared that she was a member of Nantwich Town Council, which had been consulted on the proposed development, and a member of Nantwich Civic Society, but that she had not taken part in any discussions in respect of the application and had not made comments on it.

Councillor A Thwaite declared that he had received correspondence regarding application numbers 13/0493N and 13/0616N.

With regard to application number 13/1688N, Councillor A Thwaite declared that he had previously had a close working relationship with the applicant, and that he would withdraw from the meeting during consideration of this item.

With regard to application numbers 12/4741N and 13/1843N, Councillor D Marren declared that he was a member of Nantwich Town Council, but that he had not taken part in any discussions in respect of the applications and had not made comments on them.

With regard to application number 12/4741N, Councillor P Groves declared that he considered he had pre-determined the application. Councillor Groves declared that he would exercise his separate speaking rights as a Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 13/0003N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing and that he had taken part in a discussion regarding housing in the area. Councillor Groves declared that he would withdraw from the meeting during consideration of this item.

Councillor G Merry declared that she had received correspondence regarding application number 13/0616N.

With regard to application number 12/4741N, Councillor A Moran, who was in attendance at the meeting, declared that he was a member of Nantwich Town Council and that he had discussed the application.

With regard to application number 12/4741N, Councillor A Martin, who was in attendance at the meeting, declared that he was a member of Nantwich Town Council and that he had discussed the application.

With regard to application number 13/0003N, Councillor S Hogben, who was in attendance at the meeting, declared that he was a member of Shavington-cum-Gresty Parish Council.

With regard to application number 13/0493N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council.

With regard to application number 13/1688N, Julie Zientek, Democratic Services Officer, declared that the applicant was a former Congleton Borough Council colleague, with whom she had worked in the past.

16 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 29 May 2013 be approved as a correct record and signed by the Chairman.

17 12/4741N-APPLICATION TO ERECT 60 DWELLINGS AND ASSOCIATED WORKS AT LAND AT COG TRAINING CENTRE, CREWE ROAD, NANTWICH, LAND AT COG TRAINING AND CONFERENCE CENTRE, CREWE ROAD, NANTWICH, CHESHIRE FOR DAVID MAJOR, STEWART MILNE HOMES NORTH WEST ENGLAND

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

Note: Councillor A Martin (Ward Councillor), Councillor A Moran (Neighbouring Ward Councillor) and Mr S Boone (objector) attended the meeting and addressed the Committee on this matter.

Note: Councillors R Cartlidge and J Weatherill arrived during consideration of this item but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection. The Principal Planning Officer also confirmed the Public Open Space contribution as £30,000 towards improvements to the Barony Park children's play area. In addition, as both the Council's Principal Forestry and Arboricultural Officer and the Strategic Highways Manager had confirmed that they were satisfied with the amended plans, the application was recommended for approval.

RESOLVED – That the application be DEFERRED to allow officers to undertake discussions with the applicant regarding amendments to the layout and pepper-potting of the affordable housing.

18 13/0003N-ERECTION OF 17 AFFORDABLE DWELLINGS - 5 NO. 3 BEDROOM HOUSES, 8 NO. 2 BEDROOM HOUSES AND 4 NO. 1 BEDROOM APARTMENTS, LAND OFF MAIN ROAD, SHAVINGTON, CHESHIRE FOR ANN LANDER, WULVERN HOUSING

Note: Councillor R Cartlidge declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not actively promoted the application. Councillor Cartlidge withdrew from the meeting during consideration of this item.

Note: Having declared his appointment as a Council representative to Wulvern Housing and his involvement with the application, Councillor P Groves withdrew from the meeting during consideration of this item.

Note: Councillor D Brickhill (Ward Councillor), Parish Councillor G McIntyre (on behalf of Shavington cum Gresty Parish Council) and Mr D Leake (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. The Local Planning Authority considers that there is no need for affordable housing in this location as there are other sites within the area which are likely to come forward to meet the required need. As there is no need for affordable housing in this location the proposed development would have an unnecessary and harmful impact upon the Open Countryside and Green Gap and would be contrary to Policies NE.2 (Open Countryside), NE.4 (Green Gaps) and RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.
2. The Local Planning Authority considers that the proposed development by reason of its design and layout would be harmful to the character and appearance of the area. As a result the proposed development would be contrary to Policies BE.2 (Design Standards) and RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

19 13/0493N-A NEW SINGLE STOREY DWELLING, LAND BETWEEN MEADOW RISE AND ASH COTTAGE, OFF HOLMSHAW LANE, HASLINGTON FOR MR & MRS J COUPLAND

Note: Having made a declaration, Councillor S Davies withdrew from the meeting during consideration of this item.

Note: Councillor J Weatherill left the meeting prior to consideration of this application.

Note: Councillor S McGrory left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor J Hammond (Ward Councillor) and Mr J Coupland (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

The Local Planning Authority granted approval for the dwelling on the basis that the exceptional personal circumstances pertaining to the applicant and his daughter and in particular the nature of her individual disability, were sufficient material considerations to outweigh local plan policy. The proposed variation to condition 9 would open up occupancy of the dwelling to anyone, with any form of disability, such that those exceptional personal circumstances may not apply, and there would be insufficient material considerations to outweigh Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

20 **13/0616N-REDEVELOPMENT OF PART OF FORMER WIDDOWSON AND DALEBROOK FACTORY SITE FOR STORAGE AND DISTRIBUTION PURPOSES, INCLUDING DEMOLITION OF EXISTING BUILDINGS, ERECTION OF NEW BUILDINGS, PROVISION OF LOADING/UNLOADING AREA AND IMPROVED JUNCTION OF BASFORD ROAD WITH GRETTY ROAD, WIDDOWSON-DALEBROOK, BASFORD ROAD, CREWE FOR MORNING FOODS LIMITED**

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

Note: Councillor D Newton left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor S Hogben (Ward Councillor) and Mrs P Gray (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr J Borrowdale (on behalf of the applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Borrowdale to speak.

The Committee considered a report regarding the above planning application.

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

1. Time limit

2. Approved plans
3. Materials as stated in the application
4. Submission of a Phase II Contaminated Land Site Investigation Report
5. Submission of details of any external lighting
6. Hours of construction/demolition restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday, with no working on Sundays and Public Holidays
7. Submission of a landscaping scheme
8. Implementation of landscaping scheme
9. The hours of operation of the business/activity/use in the northern part of the site to be limited to 06:00hrs to 20:00hrs on Monday to Friday and 06:00hrs to 14:00hrs on Saturday but at no time on Sundays or Public Holidays

21 13/0972C-SINGLE STOREY INFILL FRONT EXTENSION, TWO STOREY REAR EXTENSION, 22, HAWTHORNE CLOSE, HOLMES CHAPEL FOR GARETH MILLS

Note: Mr P Davis (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection. The Southern Area Manager – Development Management also reported that a further representation had been received from neighbour objectors.

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

1. Standard Time Limit
2. Approved Plans
3. Materials to match
4. Remove PD for side windows
5. Hours of construction

22 13/1200C-GROUND AND FIRST FLOOR SIDE/REAR EXTENSION TO DWELLING, 36, HAWTHORNE CLOSE, HOLMES CHAPEL FOR MR & MRS S DOUBLE

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

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

1. Standard time
2. In accordance with submitted plans
3. Materials to match existing
4. Hours of construction

23 13/1267N-DEVELOPMENT OF 18 RESIDENTIAL DWELLINGS AT LAND TO REAR OF 110 REMER STREET, LAND TO THE REAR OF REMER STREET, CREWE FOR FRAZER LLOYD-JONES, THOMAS JONES & SONS LTD

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

RESOLVED – That consideration of this matter be DEFERRED to a future meeting of the committee, to enable officers to provide updated ecological reports, clarify the highways contribution and provide additional highways information.

24 13/1338N-REMOVAL OF THE EXISTING CAR SALES SITE AND BUILDING AND THE ERECTION OF 7NO ONE BED AND 7NO TWO BED FLATS IN A 3 STOREY BLOCK (RESUBMISSION), STEWART STREET MOTORS, STEWART STREET, CREWE FOR STEWART STREET MOTORS

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

Note: Councillor S McGrory left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor P Nurse (Ward Councillor) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Nurse to speak.

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:

1. Standard time 3 years
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.
6. Noise assessment

7. Acoustic enclosures
 8. Bin Storage
 9. Sound insulation and noise reduction in accordance with Building Regulations Approved document E
 10. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
 11. Submission and approval of materials
 12. Submission of landscaping scheme
 13. Submission of Boundary Treatment
 14. Highway and car parking works to completed prior to first occupation
 15. Removal of permitted development rights, extensions and outbuildings
- (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 Planning and Place Shaping 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.

25 13/1531N-CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED CAR PARKING, SERVICING FACILITIES AND LANDSCAPING, CONDITION 7 TO BE VARIED (12/4107) TO EXTEND THE DELIVERY PERIOD BY ONE HOUR IN THE MORNING, SITE OF THE EARL, NANTWICH ROAD, CREWE FOR G BROWN, ALDI UK

Note: Councillor S Hogben (Ward Councillor) and Mr C Cunio (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to a revised condition 7 as follows:

- There shall be no deliveries to the site except between the following times 0600 – 2300 Monday to Saturdays and 0800 to 2200 Sundays for the first 12 months from the first occupation of the retail store. These delivery hours shall be discontinued on or before that date and shall revert to Monday – Friday 08.00hrs - 20.00hrs; Saturday 08.00hrs - 20.00hrs; Sunday 10.00hrs - 17.00hrs unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.

The following additional condition:

- The acoustic fence shall be erected, as detailed in the information submitted by the applicant, prior to the first delivery taking place.

And the other conditions as imposed on planning permission 12/4107N.

26 13/1654N-DEMOLITION OF ROYAL SCOT PUBLIC HOUSE & CONSTRUCTION OF 14NO. 2 BEDROOM HOMES FOR SOCIAL HOUSING, ROYAL SCOT, PLANE TREE DRIVE, CREWE FOR MR NICK POWELL

Note: Having declared that he had been appointed as a Council representative to Wulvern Housing, Councillor R Cartlidge withdrew from the meeting during consideration of this item.

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

Note: Councillor D Bebbington left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory submission of a further bat survey and the following conditions:

1. Standard time 3 years
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays and method statement
5. Dust Control
6. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
7. Submission and approval of materials
8. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing the development will meet at least Level 3 of the Code for Sustainable Homes (2007). The scheme shall be implemented as approved and retained thereafter.
9. Implementation and submissions of landscaping scheme
10. Implementation of Boundary Treatment, and

11. Implementation and submission of bin storage
 12. Dwellings to be retained as affordable housing
 13. Drainage details to be submitted
 14. Highway and car parking works to completed prior to first occupation
 15. Removal of permitted development rights, extensions and outbuildings
 16. 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.
 17. 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 including swifts. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
- (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 Planning and Place Shaping 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.

**27 13/1688N-VARIATION OF CONDITION NO 2 OF PERMISSION
12/3548N, REASEHEATH COLLEGE, MAIN ROAD, NANTWICH,
CHESHIRE FOR MR SIMON KENNISH**

Note: Having made a declaration, Councillor A Thwaite withdrew from the meeting during consideration of this item.

Note: Mr S Kennish (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. Standard
2. Plans
3. Materials
4. Surfacing Materials
5. Drainage
6. Cycle Shelters
7. Landscaping Submitted
8. Landscaping Implemented
9. Car Parking

10. Travel Plan
 11. Roof Cows
 12. Tree Protection Measures
 13. Lighting Scheme to be Submitted and Approved
 14. Hours of Construction
 - Monday to Friday 08:00 to 18:00 Hours
 - Saturdays 09:00 to 14:00 Hours
 - Sundays and Public Holidays Nil
 15. Pile Foundations
 - Monday to Friday 08:30 to 17:30 Hours
 - Saturday 08:30 to 13:00 Hours
 - Sundays and Public Holidays Nil
 16. Floor Floating
 - Monday to Friday 07:30 to 20:00 Hours
 - Saturday 07:30 to 13:00 Hours
 - Sundays and Public Holidays Nil
 17. Dust Control – in order to minimise dust arising from demolition/construction activities a scheme shall be submitted and approved
 18. Features for Breeding Birds
 19. No Development within the Bird Breeding Season
 20. Additional Green Walls for the elevations facing Wettenhall Road and Crewe Alexander Training Ground.
 21. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
 22. Detailed Specification of the cycleway to include width, signage, materials used in the surface and to include any temporary arrangements.
 23. Details of the Boundary Treatment to the refuse store to be submitted and agreed in writing
 24. Colour of Louvre doors to be submitted and agreed in writing
- 28 **13/1708N-CHANGE OF USE FROM OFFICE TO 6 BEDSIT FLATS (WITHIN THE SAME PROPERTY), 92-94, NANTWICH ROAD, CREWE FOR DAVE EASTON**

Note: Councillor R Bailey left the meeting prior to consideration of this application.

Note: Councillor S Hogben (Ward Councillor) had registered his intention to address the Committee on this matter but had left the meeting prior to consideration of this application.

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 drawings showing windows/roof lights to all bedsit rooms
4. The development to be implemented and retained in accordance with the approved plan showing bin storage.

**29 13/1843N-VARIATION OF CONDITION 3 ON PLANNING PERMISSION
12/1488N- RESERVED MATTERS PLANNING APPLICATION
RELATING TO OUTLINE PERMISSION P05/0121 FOR THE ERECTION
OF 13 NO. DETACHED DWELLINGS, PARKING AND AMENITY
SPACE; AND THE RETENTION OF PUBLIC OPEN
SPACE/CHILDRENS PLAYGROUND, LAND OFF, MARSH LANE,
NANTWICH FOR ELAN HOMES LTD**

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. In accordance with outline
2. Approved plans
3. Materials implemented as agreed
4. Hours of construction
5. PD removal A-D
6. PD removal – Garage use
7. Obscure glazing & PD removal for replacements
8. Landscaping – Implementation
9. Tree protection – Implementation
10. Boundary treatment – Implementation
11. Lighting – Implementation
12. Structural stability – Implementation
13. Drainage – Implementation
14. Habitat survey – Implementation
15. Breeding bird features – Implementation
16. Construction method statement - Implementation

**30 13/1864N-RESERVED MATTERS APPLICATION FOLLOWING
OUTLINE PLANNING APPROVAL 11/2241N RE ACCESS,
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, LAND
ADJACENT ROYAL OAK, 94, MAIN ROAD, WORLESTON, CHESHIRE
FOR ARCHWAY HOMES LTD**

Note: Having made a declaration, Councillor S Davies withdrew from the meeting during consideration of this item and did not return.

Note: Mr K Bruce (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. The Southern Area Manager – Development Management also reported that Worleston Parish Council and Councillor Michael Jones, who had requested that the application be referred to the committee for determination, had confirmed that the matters of concern to them had been resolved.

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

1. The development to be carried out in accordance with the conditions set out in the outline planning permission, except as modified by this permission.
2. The development to commence within two years.
3. In accordance with approved plans
4. Materials in accordance with submitted details
5. Boundary treatment – Implementation
6. PD Removal (A to E)
7. Drainage details to be submitted (Pre-commencement)
8. Landscaping – Implementation
9. Breeding birds mitigation to be submitted and approved
10. Incorporation of features for breeding birds to be submitted and approved
11. Lighting details - Implementation
12. Hours of construction (Mon-Fri 08:00 – 18:00, Sat 09:00 – 14:00 Sun & Bank hol – nil)
13. Piling method, timing and duration to be submitted and approved
14. Bin storage details - Implementation
15. Tree and pond protection measures to be submitted and approved and provided during construction period
16. Construction Management Plan

**31 13/2051C-FIRST FLOOR EXTENSION (RESUBMISSION OF 13/0766C),
RUE MOSS COTTAGE, BACK LANE, SMALLWOOD, SANDBACH FOR
MR R STOCKWELL**

Note: Councillor J Wray (Ward Councillor) and Mr R Stockell (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 the application be DEFERRED for a Committee site inspection to enable Members to see the extent of previous additions to the property.

32 CHESHIRE EAST BOROUGH COUNCIL (STAPELEY, THE MAYLANDS, BROAD LANE) TREE PRESERVATION ORDER

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 (Stapeley, The Maylands, Broad Lane) Tree Preservation Order 2013 be confirmed.

The meeting commenced at 1.00 pm and concluded at 6.50 pm

Councillor G Merry (Chairman)

Application No: 12/2551C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works

Applicant: The Bene of the Estate of J M Goodwin

Expiry Date: 14-Aug-2012

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

MAIN ISSUES:

Principle of the Development

Amenity of Neighbouring Properties

Highway Safety

Ecology

Landscape and Trees

REASON FOR REFERRAL

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

DESCRIPTION AND SITE CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has a planning application for 12 houses under appeal (12/1650C). Should this appeal be allowed, vehicular access to that site would be closed, but pedestrian access would still be available.

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of a barn into one dwelling and the construction of 11 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling. Four dwellings would be erected facing the barn to form a courtyard and two cottages would be erected to the rear of these, facing the access road. On the north western side of the access road five dwellings would be erected.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Congleton Local Plan 2005

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

PS4 Towns

H1 & H2 Provision of New Housing Development

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision

NR1 Trees and Woodlands

NR2 Statutory Sites

NR3 Habitats

BH4 & BH5 Listed Buildings

BH8 & BH9 Conservation Areas

SPG1 Provision of Public Open Space in New Residential Development

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

SPD14 Trees and Development

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling, contaminated land and an Environmental Management Plan. They have recommended refusal due to lack of information relating to loss of amenity due to noise generated from Old Mill Road.

United Utilities:

No objection.

Environment Agency:

None received at the time of report writing.

Highways:

The Strategic Highways Manager has assessed the application, undertaken site visits and taken into consideration the comments put forward by the objectors. The full assessment is contained within the Highways section of this report.

Green Spaces

None received at the time of report writing.

VIEWS OF TOWN COUNCIL

Object on the following grounds:

- Sections of the Listed Building should not be demolished
- Site access is inadequate for contractor vehicles and residents
- Traffic generation
- The number and height of the proposed housing is unacceptable
- Adverse impact on the character of the Conservation Area
- Adverse impact on the wildlife corridor
- Over intensive development
- Negative impact on neighbouring properties

OTHER REPRESENTATIONS

At the time of report writing, approximately 731 representations have been received relating to this application, in the form of individual and 'standard' letters that have been distributed and signed. These can all be viewed online on the application file. 712 were opposed to the development and 19 in favour. Of those in favour; several came from outside the local area. The objections express concerns about the following issues:

Land Use

- Need to preserve the green areas of Sandbach
- Impact on local infrastructure
- 'Eating' up of green fields
- Lack of jobs in Sandbach and danger of becoming a 'dormitory' town
- The development would destroy so much and not be sustainable
- Does not enhance the landscape character of the area
- Cheshire East can demonstrate a 5 year supply of housing land without this development
- The proposal does not constitute sustainable development as required by the NPPF

Highways

- The junction of Dingle Lane and other roads in the vicinity are already dangerous
- Traffic generation
- The traffic assessment is flawed and inaccurate and does not agree with the findings of a trips survey undertaken by residents
- The access will cause problems for other users of Dingle Lane
- Impact on a public right of way
- Increased risk to children, families and elderly people from increased traffic
- Cars would have to reverse onto Dingle Lane
- Danger to people who use the lane for recreational purposes
- Poor access for emergency vehicles
- Poor waste disposal arrangements
- Danger and disruption from construction traffic

Design

- Inappropriate design of the dwellings
- The scale of the development is out of character with the surrounding area

Ecology

- Adverse impact on the wildlife corridor
- Adverse impact on the significant amount of wildlife in the area

Heritage

- Adverse impact on the Listed Building and the Conservation Area
- Approval would set a precedent for the partial demolition of other Listed buildings
- More detail is needed on the demolition of part of the Listed Building
- The loss of a reminder of the farming heritage of Sandbach
- Detrimental impact on the setting of the Listed Building

Other

- Impact on public right of way
- The Listed Building could be sold without the need for development
- Inadequate notification of the application
- There is no demand for more housing in Sandbach
- Property ownership issues

Those in favour of the application made the following observations:

- The site would be a beautiful place to live when developed
- It is a sustainable site within walking distance of the town centre
- Development would ensure restoration of the Listed Building
- A lot of thought has gone into the design
- Lack of new good quality housing in Sandbach

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

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"

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

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle.

Design and Layout

The proposals have been the subject of extensive negotiations between the applicant and the Council. These have resulted in a reduction in the amount of dwellings proposed, amended layouts and design alterations.

The proposal is now for 5 two-storey dwellings in what is being called 'Paddock View'. These would be constructed of traditional materials and be of a traditional design with gable features and stone detailing. Opposite the existing barn, 4 dwellings are proposed to create the feeling of a courtyard to a traditional farm complex and to the rear of these two cottages would be erected, facing 'Paddock View'.

As previously stated, the design and layout has been the subject of extensive discussions with the Council and the resultant amended plans are considered to be acceptable and would result in a development that would be in keeping with the character of the locality and the Conservation Area.

The Listed Building would undergo partial demolition to the gable adjacent to the access road and the existing barn is to be converted to one dwelling. These issues are discussed below.

Listed Building

The proposal originally put forward was for the demolition of all of an extension added to the building in the 19th century; however the Conservation Officer expressed concerns about this. Amendments have now been made to allow partial demolition of this part of the building.

Dingle Farm is a Grade II Listed Building, with a shippon to the side. The farmhouse dates from the 17th century and the shippon from the 19th century. The west wall would be taken down and re-built on a similar alignment to the existing wall. This would allow for the surviving timber frame to be revealed. Given that the element to be removed is a later addition to the building that is not half timbered but is a sham painted timber framed bay, it is considered that the partial demolition would be acceptable. A condition should be imposed requiring submission of a detailed method statement relating to the partial demolition and re-building of the wall in order to ensure that the building is protected and retained during this process.

As part of the proposals UPVC windows and plastic rainwater goods would be replaced with timber windows and metal rainwater goods and this is to be welcomed.

Conditions should be imposed to require submission of detailed drawings of all windows to be replaced and an amendment sought to the new ground and first floor windows, by reducing in size in order to minimise their visual presence in keeping with the character of the Listed Building.

The barn conversion would utilise existing openings in an appropriate way and would be largely acceptable. The large glazed area on the east elevations acceptable; however the glazing bar pattern is not considered to be in keeping with the style of the other windows proposed. Therefore a condition should be imposed requiring submission of window details showing appropriate glazing bars.

Now that the design and layout have been amended, it is considered that the development would not have any significant adverse impact on the character of the views in or out of the Conservation Area.

Affordable Housing

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

Amenity

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

Having regard to the amenity of future residents, there would be adequate private amenity space and minimum separation distances would be met. In addition, a condition should be imposed requiring submission of a scheme for the protection of future residents from noise from Old Mill Road.

Highways

This development proposal is situated on a piece of land off the adopted end of Dingle Lane in Sandbach. It proposes the retention of the existing farmhouse plus the conversion of a barn to a residential unit and 11 additional new build units. This will give a total of 12 additional residential units for the site.

The developer would prefer the proposed access road to remain private and this is an acceptable position providing the site is built to an adoptable standard. To this end the Strategic Highways Manager has been negotiating an adoptable level of design on the internal layout for this site since December 2010.

Existing Access Route via Dingle Lane

Dingle Lane is a very old highway which has a junction with Well Bank served by good visibility in the leading direction but slightly restricted visibility in the non-leading direction however approach speeds are slow. The entry junction has an initial width of 6.75 metres but which then narrows quickly to a little over 3 metres as it passes No.4 Dingle Lane.

Immediately on the left, after No.4 is the junction into Dingle Bank which was originally private but which is partly made up and adopted since numbers 1 – 11 Dingle Bank were built some years ago. The junction of Dingle Bank with Dingle Lane is steep and currently has no give way junction marking with Dingle Lane.

Two site visits have been conducted: the first to make a general assessment of the site and the route of access to it and the second to observe the peak morning traffic flows at the junction with Well Bank.

On entering Dingle Lane the immediate narrowing and very short length prohibits the use of any material speed and it was found that 10 mph was a comfortable pace when entering. The turn into Dingle Bank is steep and this further slows progress. This junction mouth is wide and leads to an open area of carriageway which serves not just the more recent dwellings at 1 – 11, but also the rear of some of the terraced properties which front Well Bank and the other properties which are still served from the private length of Dingle Bank to the right and beyond.

Leaving Dingle Bank demands lower vehicle speed than entering. Descending the steep approach to Dingle Lane requires use of the brakes and as you near the bottom of the slope the view to the right through the narrowed section of Dingle Lane is opened to view, however the view to the left is only partially visible from the top of the incline and becomes more restricted as you near Dingle Lane before opening a limited view as you meet the edge of carriageway of Dingle Lane.

The Strategic Highways Manager has checked injury accident statistics and there are none for Dingle Lane or Dingle Bank.

Local Concern

It is evident from the representations on the LPA web site that there are a good number of expressed concerns amongst a significant number of objections to this development proposal.

Having read a selection of the letters of objection the main points arising are as follows:

- *'The narrowing to 2.75 metres within the development will lead to vehicles reversing towards the junction of Dingle Bank which will be a blind approach.'*

In fact the two ends of the narrowing have been designed under the guidance of Manual for Streets and will be intervisible. The priority is given to vehicles entering the site and therefore in the majority of instances the onus will be on a vehicle taking egress to give way or reverse if necessary. In any event, should a vehicle entering the site find a need to reverse there is sufficient room between the narrowing and the junction of Dingle Bank for two domestic vehicles to pass without the need to obstruct the Dingle Bank junction. In addition, site observations show the existing traffic from Dingle Bank joins Dingle Lane from a point in the junction mouth which is towards Well Bank. The Strategic Highways Manager finds that the likelihood of any conflict from such a reversing movement would be very unlikely – especially given the very low traffic generation from this site which is addressed later in this section of the report.

- *'Access for construction vehicles will be problematic.'*

It is agreed that the tight entrance to this site and the narrowing within the initial length of Dingle Lane are very narrow. These restricted points do however meet minimum dimensional requirements for a heavy commercial vehicle to pass. In any event the use of a construction management plan is a likely requirement should this site gain a planning permission and this could be tailored to ensure suitable delivery traffic is used and that the traffic is appropriately managed.

- *'There is the potential for vehicle damage to adjoining property.'*

Clearly this is a third party issue which would have to be managed via insurance policy mechanisms should such an event occur. The Authority's duty will be to agree a construction management plan and monitor that process.

- *'Pedestrian access to numbers 5 & 7 would be dangerous.'*

The pedestrian access from number 5 will not alter however there would be the new traffic from the development. The owner of number 5 has not made any reference to pedestrian access but has commented that reversing out of the drive will be more difficult and this would be the case however it would be no different and probably easier than reversing out of so many other private drives onto major roads which occurs throughout the Borough. This is not an unusual situation.

Internally to the site the pedestrian access to number 7 and the Strategic Highways Manager (SHM) observed: number 6, will be affected and it is likely that these properties have an established right of way onto what is currently the private section of Dingle Lane. The responsibility for dealing with these right of way issues will lie with the developer in the first instance and as far as the SHM is aware, no mention has been made regarding this issue.

'The junction of Dingle Bank with Dingle Lane is dangerous.'

The SHM observed from the site visit that when leaving Dingle Bank and entering Dingle Lane that a view is afforded of Dingle Lane, to the left from the top of Dingle Bank. This view then disappears before becoming a limited view again as a driver reaches Dingle Lane. The guidance from Manual for Streets (MFS) requires a visibility of just 9 metres for an approach speed of 10 mph, which is the observed speed from the site visit. For 12mph MFS requires 12 metres.

If a vehicle pulls out of Dingle Bank and turns right from the observed position for this movement at the site visit, a visibility distance of some 14 metres is available when looking to the left and this would cater for the observed traffic speeds for Dingle Bank/Lane. The turning movements at this junction could be regularised by the introduction of a suitably placed give way marking should this development proposal gain a planning permission.

- *‘Large vehicles have difficulty negotiating Dingle Lane.’*

In fact a photograph has been provided by an objector of a heavy commercial vehicle on Dingle Lane and it does show that the vehicle has its wheelbase within the carriageway before reaching the junction mouth of Dingle Lane with Well Bank where the junction is wide. The carriageway is 3 metres wide at this point which is wide enough to accommodate a heavy commercial vehicle.

- *‘On Thursday, car parking for the market frequently obstructs the junction of Dingle Lane with Well bank.’*

A photograph has been provided of an example of this parking and this probably manifests itself because Dingle Lane is not protected by appropriate traffic regulation orders. There is no reason why local traffic management orders cannot be provided and it could be required of the development proposal that a sum of money be provided and secured via a Section 106 agreement to provide for this type of traffic management. This would ameliorate the concern over on-street parking.

Traffic Generation

Including the properties which front Well Bank, there are some 20 properties which take vehicular access from Dingle Lane under the existing arrangements. If this number of units was assessed in the TRICS database it would show that traffic generation would currently be approximately 13 vehicle trips in the morning peak hour. Observations on site showed the traffic generation to be slightly less than this however 13 trips would be the industry recognised standard.

The new development would add approximately 9 more trips to that using the same method of analysis. This equates to one new vehicle every 6 or 7 minutes in the morning peak flow hour which is a negligible amount of traffic.

It is important though to take into account the local concerns and they have been discussed in detail above.

Highways Conclusion

This is a tight site and there are a number of objections from which the main highway concerns have been discussed earlier in these comments.

Despite the concerns the design offered does meet the current design guidance within the DfT document Manual for Streets.

The Strategic Highways Manager recognises that in general the site looks at first difficult and some doubt has been cast on its merits by objectors concerns. It is a fact however that the proposal does meet design standards and it is clear that the very low traffic generation will have a low impact on Dingle Lane.

Traffic conditions will be altered and that additional considerations will need to be managed by existing vehicle drivers and pedestrians. In considering the proposal the SHM has had to make a judgement on whether there is sufficient valid concern to warrant what would be a sustainable reason for refusal on highway grounds if this proposal went to inquiry and he finds that this is not the case.

The fact that the site is shown to meet standards, however tight, is considered to remove any likely highway position of objection. Paragraph 32 of the NPPF, confirms that the test is whether the impacts of development are severe. Given the above it is not considered that it is severe.

It therefore remains for the Strategic Highways Manager to recommend a number of conditions and informatives which would bring appropriate control to the development should a planning permission be granted for this development proposal.

These consist of all new construction including access roads being completed prior to first occupation of any of the dwellings, submission of a Construction Management Plan and submission of a detailed plan of give way junction marking to Dingle Bank.

Ecology - Protected Species & Nature Conservation

Sandbach Wildlife Corridor

The proposed development is adjacent to, but outside, the boundary of the Sandbach Wildlife corridor. It is considered that the potential impacts of the proposed development on the wildlife corridor are likely to be low.

Bats

Evidence of bat activity in the form of a minor roost of two relatively common bat species has been recorded within the buildings on this site. The usage of the building by bats is likely to be limited to single or small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts at this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a negligible impact upon the conservation status of the species concerned as a whole.

The submitted mitigation proposals recommends the provision of a bat loft above the proposed garage block as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It is considered that if planning consent is granted proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. The provision of the bat loft should be carried out in accordance with the submitted plans in terms of special features for bats.

Bluebells

Native bluebells are a Local Biodiversity Action Plan and hence a material consideration. This species was recorded around the field boundary of the northern block of the proposed development. The proposed development may have a localised adverse impact upon this species however the proposed boundary hedgerows potentially provide a suitable edge habitat for this species which may assist it to persist on the site.

Breeding Birds

The site has the potential to support breeding birds and evidence of house sparrow a BAP priority species was recorded in association with the barn on site. If planning consent is granted it is recommended that conditions be attached to safeguard breeding birds:

Badgers

Evidence of badgers foraging across the site has been recorded. The proposed development is therefore likely to lead to a localised loss of badger foraging habitat. It is considered that fruit trees should be incorporated in the boundary hedgerows to provide an additional seasonal food source for badgers to compensate for the loss of available foraging habitat.

Reptiles

Potential habitat for grass snake was identified on site. Whilst the presence of grass snake cannot be ruled out it is considered that this species is not reasonable likely to be present or affected by the proposed development and so no further survey effort is therefore required.

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, and then there would be no impediment to planning permission being 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 includes a Listed Building that would be retained and would have features that have been lost in the past but would now be reinstated.

Alternatives

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

- No development taking place

No development Taking Place

This may lead to the deterioration of the Listed Building

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.

Open Space Provision

No response has been received at the time of report writing. However the site is of a similar size to the application at Waterworks House (12/1650C) and is in very close proximity to this site. For that proposal contributions were required for amenity green space (£7,356.44) and children and young person's provision (£16,772.51), a total contribution of £24,128.95. These monies would be used at the nearby Sandbach Park.

LEVY (CIL) REGULATIONS

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

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

The requirements for open space and highways contributions are considered to be in compliance with the CIL Regulations 2010.

Other Matters

Objectors have cited adverse impacts on the Public Right of Way; however this footpath does not pass through the site as defined on the definitive map.

CONCLUSIONS AND REASONS FOR THE DECISION

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

On balance it is considered that the impacts on the Listed Building and Sandbach Conservation Area are acceptable.

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

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing contributions of £24,128.95 for enhanced provision and maintenance of public open space and £10,000.00 for highway works.

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

12. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
13. Submission of a scheme for protection of occupiers of the dwellings from traffic noise.
14. Submission of details ground levels and floor levels.
15. Submission of a method statement for the demolition and re-building of the wall of Dingle Farm.
16. Submission of detailed drawings showing the new windows at ground and first floor level at a reduced size.
17. Submission of detailed drawings showing appropriate glazing bars on the large glazed element on the eastern elevation of the barn conversion.
18. All internal and access roads shall be completed prior to first occupation of any of the new dwellings.
19. Submission of a construction management plan
20. Submission of detailed plan of the 'Give Way' junction to Dingle Bank.

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The map displays the following features:

- Residential Areas:** Dingle Bank, Dingle Farm, Brookdene, and various streets including Church Street, Bath Street, Dunham Close, and Old Mill Road.
- Recreational Areas:** Sandbach Park, Bowling Green, Tennis Courts, and a Pond.
- Water Features:** Dingle Lake, Brookdene, and a Foot Bridge.
- Infrastructure:** F Sta, PC, Bowling Green Club, and a Pump.
- Highlighted Area:** A red outline marks 'THE SITE' located between Dingle Lane and Dunham Close.
- Scale and Orientation:** A scale bar indicates 0 to 40 meters. A north arrow is present in the bottom right corner.

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Application No: 12/2552C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works

Applicant: The Bene of the Estate of J M Goodwin

Expiry Date: 14-Aug-2012

SUMMARY RECOMMENDATION: Grant Listed Building Consent

MAIN ISSUES:

Impact on the Listed Building

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee as it is the accompanying Listed Building Consent application to a development of more than 10 dwellings (12/2551C).

DESCRIPTION AND SITE CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane currently gives access through the site to Waterworks House, which currently has a planning application for 12 houses under appeal (12/1650C). Should this appeal be allowed, vehicular access to that site would be closed, but pedestrian access would still be available.

The site is designated as being within the Settlement Zone Line of Sandbach and partly within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

DETAILS OF PROPOSAL

The proposal is for alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, and conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works.

Part of the farmhouse adjacent to the access would be demolished in order to open up the access to the site and the adjacent barn would be converted to a dwelling.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Congleton Local Plan 2005

BH4 & BH5 Listed Buildings

CONSIDERATIONS (External to Planning)

English Heritage:

Recommend that the application be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

VIEWS OF TOWN COUNCIL

Object on the following grounds:

- Sections of the Listed Building should not be demolished
- Site access is inadequate for contractor vehicles and residents
- Traffic generation
- The number and height of the proposed housing is unacceptable
- Adverse impact on the character of the Conservation Area
- Adverse impact on the wildlife corridor
- Over intensive development
- Negative impact on neighbouring properties

OTHER REPRESENTATIONS

At the time of report writing, 6 representations have been received relating to this application, 2 objections and 2 in support of the application. The objections express concerns about the following issues:

- Adverse impact on the Listed Building
- Adverse impact on the Conservation Area
- Highway Safety
- Loss of green space
- Adverse impact on ecology

OFFICER APPRAISAL

It should be noted that this application relates only to the alterations to the Listed Building and the barn conversion which is a curtilage building and therefore subject to the listing.

Impact on the Listed Building

The proposal originally put forward was for the demolition of all of an extension added to the building in the 19th century; however the Conservation Officer expressed concerns about this. Amendments have now been made to allow partial demolition of this part of the building.

Dingle Farm is a Grade II Listed Building, with a shippon to the side. The farmhouse dates from the 17th century and the shippon from the 19th century. The west wall would be taken down and re-built on a similar alignment to the existing wall. This would allow for the surviving timber frame to be revealed. Given that the element to be removed is a later addition to the building that is not half timbered but is a sham painted timber framed bay, it is considered that the partial demolition would be acceptable. A condition should be imposed requiring submission of a detailed method statement relating to the partial demolition and re-building of the wall in order to ensure that the building is protected and retained during this process.

As part of the proposals UPVC windows and plastic rainwater goods would be replaced with timber windows and metal rainwater goods and this is to be welcomed.

Conditions should be imposed to require submission of detailed drawings of all windows to be replaced and an amendment sought to the new ground and first floor windows, by reducing in size in order to minimise their visual presence in keeping with the character of the Listed Building.

The barn conversion would utilise existing openings in an appropriate way and would be largely acceptable. The large glazed area on the east elevations acceptable; however the glazing bar pattern is not considered to be in keeping with the style of the other windows proposed. Therefore a condition should be imposed requiring submission of window details showing appropriate glazing bars.

Now that the demolition element of the proposal has been reduced in order to allow the surviving timber frame of the building to be revealed, it is considered that the proposal is acceptable. This has been considered having regard to paragraph 134 of the NPPF which states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal, including securing its optimum viable use.”

CONCLUSIONS AND REASONS FOR THE DECISION

On balance it is considered that the impacts on the Listed Building are acceptable and in compliance with the relevant policies in the adopted local plan and the NPPF.

RECOMMENDATION: Approve subject the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials.
4. Submission and implementation of a tree protection scheme.
5. Submission of an amended landscaping scheme.
6. Implementation of landscaping scheme
7. Submission and implementation of boundary treatment scheme.
8. Protection measures for breeding birds.
9. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.
10. Submission of a method statement for the demolition and re-building of the wall of Dingle Farm.
11. Submission of detailed drawings showing the new windows at ground and first floor level at a reduced size.
12. Submission of detailed drawings showing appropriate glazing bars on the large glazed element on the eastern elevation of the barn conversion.



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Application No: 13/2051C

Location: RUE MOSS COTTAGE, BACK LANE, SMALLWOOD, SANDBACH, CHESHIRE, CW11 2UN

Proposal: First floor extension (Resubmission of 13/0766C)

Applicant: Mr R Stockwell

Expiry Date: 11-Jul-2013

SUMMARY RECOMMENDATION:

REFUSE

Main issues:

- The principle of development
- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity
- The impact upon protected species

REASON FOR REFERRAL

This application was deferred from Southern Planning Committee on the 26th June 2013 because the Members wanted a clearer understanding of the planning history of the site and also sought a site visit.

The application was originally called in to Southern Planning Committee by Councillor John Wray for the following reasons;

- *'The extension proposal is not disproportionate to the size of existing dwelling.*
- *Other similar extensions in the area much larger than this have been approved. The footprint of the property is not increased by this proposal.*
- *There is no objection from the Parish Council or neighbours, who actually support this modest extension.*
- *The extension is essential to accommodate the needs of a growing family to provide separate bedroom accommodation for the children.'*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached, two-storey dwelling located on land north of Back Lane, Smallwood within the Open Countryside and Jodrell Bank Radio Telescope Consultation Zone.

The property has an open brick finish, white uPVC fenestration and a dual-pitched pain grey tiled roof.

DETAILS OF PROPOSAL

Revised plans have been submitted for a first floor domestic extension.

The proposed extension would measure approximately 3 metres in depth, 7 metres in width and would have a dual-pitched roof approximately 2.8 metres in height and 5.6 metres in height from ground floor level.

The original submission consisted of a hipped roof.

This proposal is a re-submission of withdrawn application 13/0766C which was to be recommended for refusal by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would have been contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It was also considered that the proposal would have been contrary to the NPPF.

RELEVANT HISTORY

13/0766C - First Floor Extension – Withdrawn 15th April 2013

05/0094/FUL - Proposed two storey extension comprising sitting room and bedroom – Approved 7th April 2005

34494/3 - Proposed stables – Approved 5th July 2002

30643/3 - Detached double garage & porch for domestic use – Approved 26th February 1999

28571/3 - Change of use of existing rural building and agricultural land to single dwelling with domestic garden – Approved 26th November 1996

25983/5 - Application for certificate of lawfulness in respect of the proposed use of rue moss cottage as a dwelling – Negative certificate 9th March 1994

24118/1 - To provide retirement cottage/bungalow – Withdrawn 20th March 1992

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan policy

PS8 – Open Countryside

GR1 – New development

GR2 – Design

GR6 – Amenity and Health

H16 – Extensions to Dwellings in the Open Countryside and Green Belt

NR2 – Wildlife and Nature Conservation – Statutory Sites

CONSULTATIONS (External to Planning)

University of Manchester (Jodrell Bank) – No objections

Public Rights of Way (PROW) – No objections, but would like to remind the applicant of their responsibilities

VIEWS OF THE PARISH COUNCIL:

Smallwood Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received at time of report

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

General Information

On November 26th 1996 planning permission 28571/3 was granted to change the use of this rural building and a portion of surrounding land into a dwelling and domestic garden. It has been calculated that this dwelling, as approved in 1996, measured approximately 277.13 metres cubed in volume.

Since the approval of this domestic use, 5 planning applications have been received that relate to the dwelling. These applications relate to both extensions and outbuildings.

In February 1999, planning permission was granted for a detached double garage and the addition of a porch to the dwelling. This porch was subsequently consumed by a later addition.

In July 2002 planning permission was granted for a stable block consisting of 2 stables, a hay store and a tack room.

In April 2005 planning permission was granted for a two-storey extension and a conservatory.

It has been calculated that the two-storey aspect of the development measured approximately 71.75 metres cubed and the conservatory measured approximately 25.06 metres cubed.

In total, the 2005 addition measured approximately 96.81 metres cubed which represented an approximate 35% increase in the volume of the original dwelling as approved in 1996.

In April 2013, planning permission was sought for a first floor rear extension. This application was subsequently withdrawn as the applicant was advised during the application process that the application would be recommended for refusal due to the fact that the dwelling had already been extended beyond that recommended by the Congleton Local Plan Open Countryside policy subtext (30%). Furthermore, the first floor addition did not include a drop in ridge height compared to the main unit, a feature usually sought in order for the development to appear subordinate to the associated house.

The applicant now seeks to re-apply for this first floor extension that, when considered in conjunction to the previous applications at this dwelling, would represent an approximate overall increase of 50% in the original dwelling's volume.

Principle of Development

The applicant's property is located within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005. As such, the determination of the application is dependent on its compliance with Policy PS8 (Open Countryside) and general policies; H16 (Extensions to Dwellings in the Open Countryside and Green Belt), GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and NR2 (Wildlife and Nature Conservation – Statutory Sites) of the Local Plan.

Paragraph 17 of the NPPF details the core principles of sustainable development. It is stated; inter alia that planning should recognize '*the intrinsic character and beauty of the countryside.*' It is also a principle that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*' As such, the NPPF supports the Local Plan policies that apply in this instance.

Policy H16 of the Local Plan advises that within the Open Countryside the original dwelling must remain as the dominant element with the extension subordinate it. To help ascertain this dominance, the policy subtext advises that *'A large extension may, if approved, lead to a loss of identity of the original dwelling and could be tantamount to the erection of a new dwelling in the countryside which would not normally be permitted. In the context of this policy a 'modest' extension would normally comprise in the region of a 30% increase in the volume.'*

Within the Officer's report relating to the last extension at this property in 1996 (Application number 05/0094/FUL), it was advised that *'...The proposal will involve an increase in volume of approximately 30%...'*

When taking the previous additions and demolitions into consideration, combined with the current proposal, the development would represent an approximate 50% increase in the volume of the original property.

As such, it is considered that the proposed development, when considered in conjunction to previous extensions, would lead to a loss of identity of the original dwelling and could be deemed to be tantamount to the erection of a new dwelling in the countryside. As such, it is considered that the proposed extension is contrary to Policy H16 and subsequently Policy PS8 of the Local Plan and would be unacceptable in principle.

Design Standards

Notwithstanding the above, the proposed extension would not appear subordinate to the existing dwelling as its ridge height would mirror the height of the existing roof. It is normal practice to opt for a lower ridge height in order to create a subordinate appearance.

It would be constructed from materials and finishes that would match the main dwelling (exposed brick, a grey concrete tiled, dual-pitched roof and white uPVC fenestration) and it is acknowledged that it would not be readily visible from the streetscene as the dwelling is situated well away from the closest road. However, this would not outweigh the harm to the character and appearance of the Open Countryside and the loss of the identity of the original dwelling.

Also, in particular, Paragraph 64 states that, *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

In this instance, it is considered that the cumulative increase in size of this dwelling would have a detrimental impact upon the character and quality of this rural area and as such, it is deemed to be contrary to the design aspect of the NPPF.

Amenity

The closest neighbouring unit to the development site is Rue Moss Hall which would be located over 50 metres away from the proposed development.

As a result of this separation distance, it is not considered that the proposed development would create any neighbouring amenity issues and would adhere with Policy GR6 of the Local Plan.

Nature Conservation

The Council's Nature Conservation Officer has advised that he considers that there would be no protected species concerns with the proposal. As such, it is considered that the proposed development would adhere with Policy NR2 of the Local Plan.

Other Matters

The land edged red on this site location plan includes land which is considered to be outside of the lawful domestic curtilage of the property. This application is a householder proposal, which does not seek consent for or infer any change of use of land to domestic curtilage and it is recommended that an informative to this effect is added to the decision notice.

CONCLUSIONS

The property is located within the Open Countryside where extensions to dwellings are permitted provided that they are modest and do not result in a loss of the character and identity of the original dwelling.

Modest extensions are defined as being in the region of a 30% increase in the volume of the original dwelling. This proposal, when taken cumulatively with previous additions would result in a 50% increase and a loss of the identity of the original dwelling contrary to Local Plan Policy H16.

Furthermore, the design of the proposal is such that it would not appear subordinate which would exacerbate this problem and would detract from the character and appearance of both the property itself and the surrounding Open Countryside, contrary to Policy GR2 of the Local Plan.

Whilst the dwelling is well screened from the public road, and the proposal is acceptable in terms of its impact upon amenity and protected species, this does not outweigh the concerns outlined above and accordingly it is recommended for refusal.

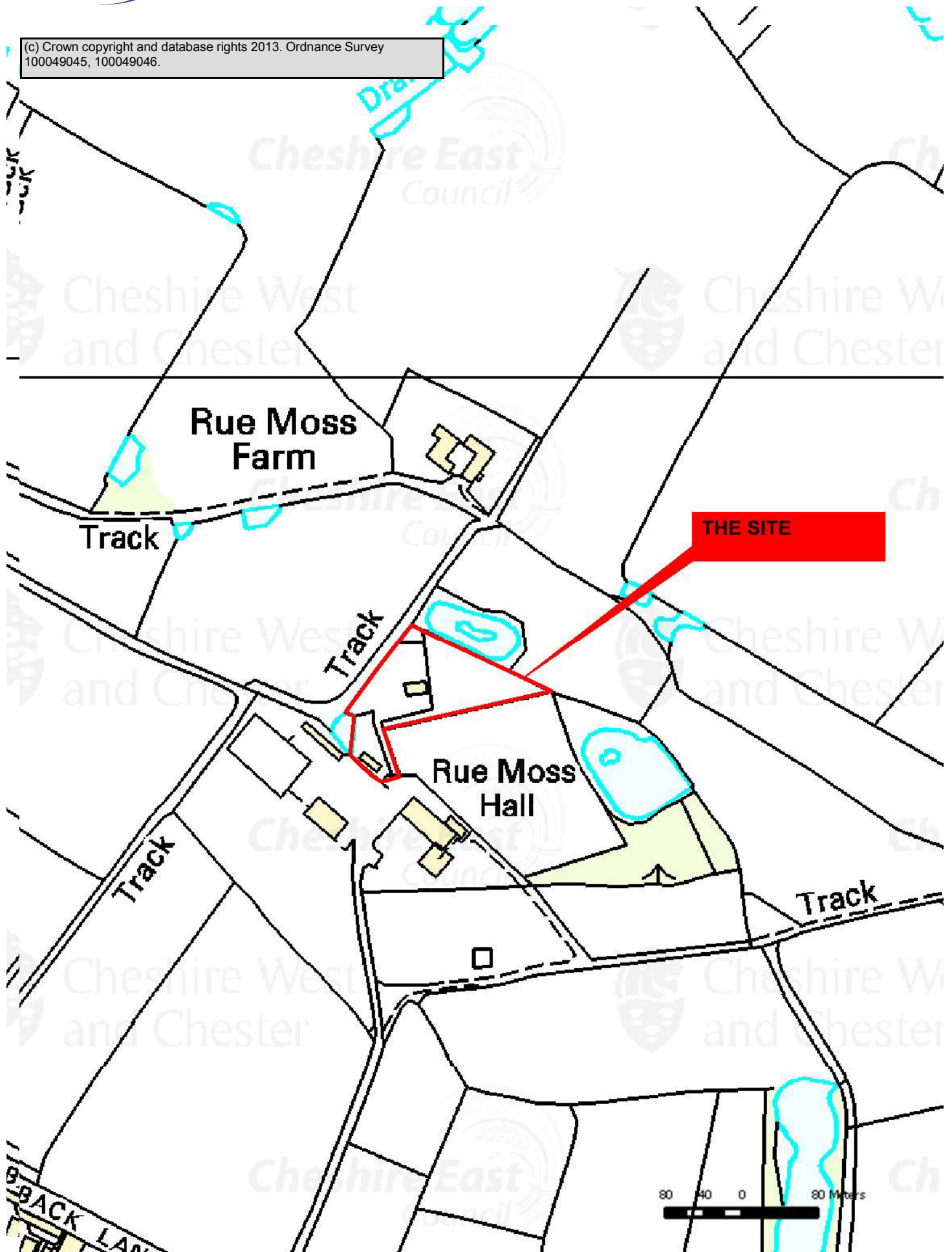
RECOMMENDATIONS

REFUSE for the following reasons;

1. The proposed extension by reason of its size when considered cumulatively with previous additions to the property, would lead to a loss of identity of the original

dwelling and be tantamount to a new dwelling in the Open Countryside. As such, the proposed development would be contrary to the Policies; PS8 (Open Countryside), GR2 (Design) and H16 (Extensions to Dwellings in the Green Belt and Green Belt) of the Congleton Borough Local Plan First Review 2005. It is also considered that the proposal would be contrary to advice within the NPPF.

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Application No: 13/1246C

Location: Former Danebridge Mill, MILL STREET, CONGLETON, CW12 1XX

Proposal: Outline Application for 14 residential units, ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft carparking.

Applicant: Mr Ian Shorrock, Blackmores (d) Ltd.

Expiry Date: 24-Jun-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Land Supply
- c) Highways
- d) Trees and Landscaping
- e) Ecology
- f) Affordable Housing
- g) Public Open Space Provision
- h) Residential Amenity
- i) Drainage and Flood Risk
- j) Other Considerations

1. REASON FOR REFERRAL

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

2. DESCRIPTION AND SITE CONTEXT

The application site comprises approximately 0.23ha of land located to the north of Rope Walk off Mill Street, Congleton. The site runs alongside the River Dane and formerly hosted the Danebridge Mill until it was demolished following a fire a couple of years ago.

The site occupies a prominent position, alongside the River Dane and the Dane Bridge, at the northern approach to Congleton Town Centre. The site has been predominantly cleared and is of a linear shape which runs from the rear of nos. 76 - 94 Mill Street in a westerly direction alongside

the River Dane. An existing public car park lies to the south and a recent new build residential development lies to the west on the site of the former Providence Mill.

The site is within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005). The site is also included within Flood Zone 3 on the Environment Agency Flood Map.

3. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 14 residential units ranging from 2-2.5 storeys, 2-4 bedroom housing, with undercroft car parking. Full details of access, appearance, layout and scale have been submitted for consideration as part of this application with landscaping reserved for later approval.

4. RELEVANT HISTORY

1998	(26666/3) Permission for proposed offices and relocation of the loading/unloading facility on land adjacent to Providence Mill.
2000	(31593/1) Refusal of outline permission for residential development on Danebridge Mill, Providence Mill and adjoining land.
2001	(32196/1) Use of land and buildings for residential development. Application withdrawn.
2003	(34327/1) Permission for use of buildings for residential development and land for office development.
2004	(04/0177/FUL) Permission for Conversion of Danebridge Mill to A3 (food & drink) and B1 (office) use including ancillary storage and car parking. Possible Phase 2 - construction of part 1st floor conversion of Providence Mill into 14 social housing units. Two storey erection of new build apartments of former car park - 36 units, 5 storey.

5. POLICIES

Local Plan Policy

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

H1 & H2	Provision of New Housing Development
H4	Residential Development in Towns
NR2	Wildlife & Nature Conservation
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

Other Material Considerations

Interim Policy on the Release of Housing Land
Planning for Growth' Ministerial Statement

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

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

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection subject to conditions relating to noise, air quality, land contamination, construction hours and waste recycling.

Highways:

No objection subject to clarification regarding operational requirements of the car park and bin a refuse collection.

Green Spaces:

No objection subject to financial contributions towards the upgrade and maintenance of the amenity space at Antrobus Street Gardens / The Community Gardens and the children and young person's provision at Hankinsons Field skate Park and West Road Play Area. The contributions for the amenity space would be:

Enhanced Provision:	£ 2,271.69
Maintenance:	£ 5,084.75

The contributions for the children and young persons provision would be:

Enhanced Provision:	£ 3,937.51
Maintenance:	£ 12,835.50

Environment Agency (EA):

No objection subject to the imposition of conditions relating to finished floor levels, ground levels, drainage, contaminated land and site waste, and a scheme for the future management and maintenance of the buffer zone with the River Dane.

United Utilities (UU):

United Utilities offer no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

Public Rights of Way (PROW):

PROW would object to any proposal which will restrict use of that PROW before, during or after the development

Crime Reduction Officer:

The area surrounding this proposed development has been subject to quite frequent anti social behaviour over recent years. The east elevation shows a sunken alleyway that we believe could potentially be a hotspot for anti social behaviour in the future. The indicative 3d modelling diagram seems to show a number of changes in level which could make climbing easy for people. I have some concerns regarding the shared staircase on the eastern side, this could potentially become a gathering point for youngsters and could possibly be intimidating for the residents. Provision needs to be made for appropriate lighting to cover this area and also potentially for CCTV.

Archaeology:

No objection subject to a condition requiring a programme of archaeological work (a watching brief) to be carried out.

Congleton Sustainability Group (CSG): have commented that they are fully in support of the principle of the development but are of the opinion that:

- The level of parking is too high
- There needs to be better provision for cycle storage
- The development must contain firm proposals to reduce its carbon footprint and encourage a sustainable life style
- Off-site works possibly funded through S106 for lighting, disabled access and the provision of a boardwalk under the first span of the Dane Bridge

7. VIEWS OF CONGLETON TOWN COUNCIL

No objection subject to Section 106 monies to be used for River Dane Walkway enhancements to the bridge.

8. OTHER REPRESENTATIONS

1 letter of support has been received from a neighbouring address stating that *"the design and density of the development is suitable given the sites proximity to existing dwellings and the sites access constraints. The development of the site would improve safety for pedestrians using the footpath along the river. The proposal would contribute to the continued rejuvenation of the immediate surrounding area and increase the diversity of housing stock already on offer in the centre of Congleton"*.

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Flood Risk Assessment

9. OFFICER APPRAISAL

Principle of Development

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

The site is also identified in the Local Plan as being within the Town Centre and is allocated as a mixed use site. Policy S5 states that within the Town Centre areas not otherwise allocated as the Principal Shopping Area, proposals for non-retail uses, commercial uses or for residential uses on the periphery of the town centre will be permitted provided that it does not detract from the overall town centre function of the area and is sympathetic to neighboring and future amenity. It is considered that residential uses would be acceptable in principle as the site is on the periphery of the Town Centre where residential uses prevail. The site has been vacant and redundant for a number of years and has failed to attract commercial or business re-use.

Also of relevance is Policy H4, which states that when considering residential developments, regard will be had to the location of the site to jobs, shops and services by modes other than the car. The site is in a sustainable location as it is accessible and well connected to public transport and local community facilities and services hosted within The Town Centre. Subject to conformance with other relevant material planning considerations, the principle of 14 new residential units on the site is deemed to be acceptable. This is supported by the NPPF which advocates making the most efficient use of land, particularly Brownfield land such as this.

Design & Character of Development

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The site occupies a prominent position on one of the main gateways to the town. The site also benefits from a riverside frontage. Consequently, the development will need to be high quality in design terms and will need to address and respond to the riverside frontage and views from Rood Hill.

To do this, the proposed new building has been designed as a single block but with a break midway along at the first and second level. Its length has been divided into sections, with the heights stepping up between two and three storey level. This has allowed a variation in ridge heights thus avoiding monotony in the elevational treatment.

Balcony features are included above the undercroft parking with the main window openings of the dwellings addressing them. This will provide an active frontage as viewed from Rood Hill and will provide visual interest. The end gable of the corner apartment unit onto Rood Hill will have a projecting feature that will help to break up the massing of this elevation and will also look out over the street thereby providing some frontage. The windows will include aluminium frames and galvanised and glass railings. There will also be some timber features, brickwork and slate roof. These features will help to add a bespoke and contemporary element to the building which has

been designed largely to emulate the traditional style of the surrounding development. Overall it is considered that the proposed new build represents a high quality of design that will complement the existing mill buildings.

Concern has been expressed regarding the proposed undercroft parking and a proposed light installation within. The undercroft has been used to address issues of flood risk, which will be discussed in due course. This has been designed with openings so that it looks out and addressed the adjacent footpath along the river and is similar to that at the adjoining Providence Mill. It would not therefore appear incongruous along the section of the riverside and the details of the proposed light installation and treatment can be controlled by condition.

In design terms, the proposed dwellings are considered to be acceptable, would terminate the end of the cul-de-sac and would have an acceptable impact on the character and appearance of the area.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

The site would be accessed via an existing roadway positioned in between 72 and 76 Mill Street. This emerges onto an access limb serving the properties fronting Mill Street and as such is not directly onto the main road. This access was deemed acceptable for the proposed office and residential uses previously approved at the site in 2004, which was for a greater number of units and a larger scheme. There have no significant changes in highways terms and as such, the increase in traffic from the development would not be significant in terms of the local highway network. The overall provision of 2 spaces per unit is acceptable and will ensure that there is no displacement of parking.

With respect to pedestrian links, the site is well connected and benefits from a footpath running directly alongside the site and the River Dane (Congleton FP23). The proposed development would be sited back from the footpath and would not therefore directly affect it. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Trees and Landscaping

Landscaping is the only matter that has been reserved for approval at a later stage. There is existing vegetation on either side of the access from Mill Street and a number of early mature trees are positioned outside the site boundary on the bank of the river. The councils Landscape Officer has no landscape objection to the development of the site for residential use but advises that this prominent riverside location will require a sensitive treatment, in particular with reference to the river aspect. However, these are matters which will need to be addressed and considered as part of a future reserved matters application.

Public Open Space Provision

Under the Council's 'Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

The Greenspaces Officer has assessed the proposal and has identified that amenity space accessible to the development are the existing facilities including Antrobus Street Gardens and the Community Gardens. These are substandard in quality and therefore an opportunity has arisen for upgrading and enhancing them. This would require contributions of £2,271.69 towards upgrade and £5,084.75 for the future maintenance.

With respect to children and young person's provision, Hankinsons Field skate Park and West Road Play Area will need to be upgraded and maintained. The contributions sought would be £3,937.51 to upgrade and £12,835.50 towards future maintenance, which are deemed reasonable and necessary to offset the impacts of this development.. Subject to these, the scheme is deemed to comply with the Council's requirements for POS.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the east, south or west. Sufficient separation distance would be maintained between the proposed building and the existing residential properties surrounding the site to avoid any overlooking, overshadowing or other problems of un-neighbourly development. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Drainage and Flood Risk

The proposed development is within flood zone 3. Policy GR21 of the Congleton Local Plan sets out criteria to be considered when determining applications within identified flood risk areas. More recent guidance in the NPPF states that LPAs should in determining planning applications, ensure that *'inappropriate development is directed away from areas at highest risk, but where development is necessary, making it safe without increasing flooding elsewhere'* (para 100). The application is supported by a Flood Risk Assessment (FRA) and this has been considered by the Environment Agency.

The scheme has been designed so that the lower ground floor does not host habitable accommodation and instead is used for less vulnerable undercroft parking. This is the same for the adjacent Providence Mill. It is also important to note that prior to the demolition of the former Danebridge Mill, the site was predominantly occupied by the building with the curtilage given over to hard standing. This proposal allows space around the development for less hard surfacing and therefore offer scope for better drainage and therefore less impact. The Environment Agency has

no objection to the proposal subject to conditions relating to finished floor levels, ground levels, drainage, contaminated land and site waste, and a scheme for the future management and maintenance of the buffer zone with the River Dane. Such conditions would ensure compliance with Local Policy GR21 and the advice within the NPPF.

Other Considerations

Congleton Town Council and Congleton Sustainability Group are seeking a financial contribution towards the costs of improving and maintaining the adjacent footpath. However, it is not considered that the proposed development of 14 units would place undue burden on the existing footpath and consequently it would not be reasonable or necessary to provide a financial contribution and therefore would not meet the tests of Circular 06/2005 and subsequent CIL regulations.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of the development is deemed acceptable as the site is sustainable and would bring forward a derelict Brownfield site. In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The proposal is acceptable in design terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on neighbouring amenity and contributions towards public open space would offset the impacts of the development. The risk of flooding can be controlled by condition. The applicant has demonstrated general compliance with national and local guidance in a range of areas and the application is therefore recommended for approval.

12. RECOMMENDATION:

Grant approval subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below and subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

1. The contributions for the amenity space would be:

Enhanced Provision:	£ 2271.69
Maintenance:	£ 5,084.75

2. The contributions for the children and young persons provision would be:

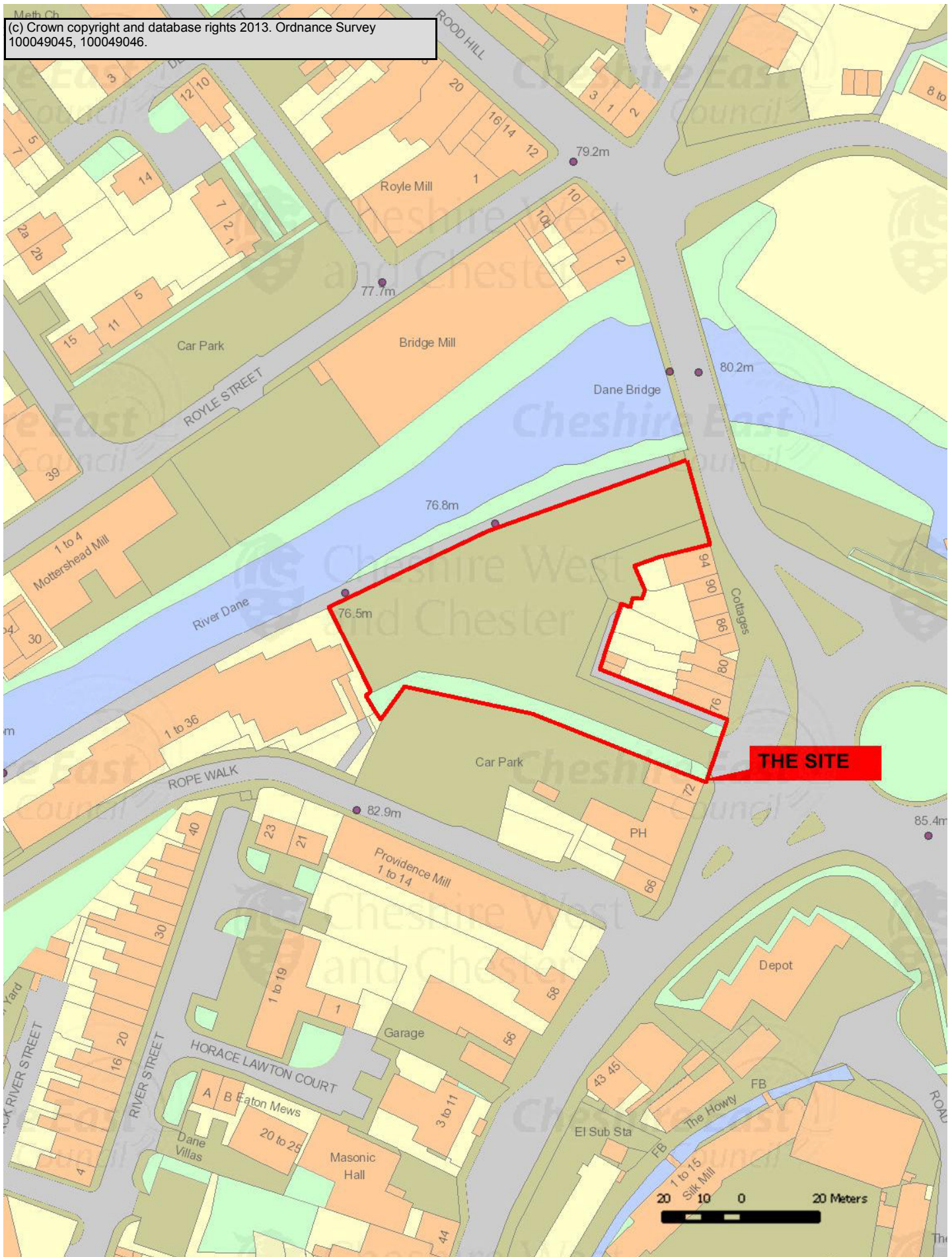
Enhanced Provision:	£ 3,937.51
Maintenance:	£ 12,835.50

Conditions

1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters
1. Application for approval of reserved matters to be made within 3 years
2. Submission of reserved matters (landscaping)

3. Development to be carried out in accordance with approved plans
4. Noise impact assessment of the development to be submitted/approved/implemented.
5. Drainage - Submission and implementation of a scheme for the regulation of surface water including SUDS
6. Submission and implementation of a scheme to ensure that finished floor levels are set no lower than 79.23 mAOD above Ordnance Datum (AOD)
7. Submission and implementation of a scheme for the management of overland flow from surcharging of the on-site surface water drainage system
8. Submission and implementation scheme demonstrating a minimum access/egress level of 78.93 mAOD
9. Submission and implementation of a scheme for the provision and management of a buffer zone alongside River Dane
10. Submission of details of existing and proposed ground levels
11. Contaminated land Investigation to be submitted
12. Submission and implementation of Remediation Strategy
13. Materials to be submitted to and approved
14. Details of boundary treatments submitted
15. Implementation of a programme of archaeological work / watching brief
16. Submission of Construction / Dust Management Plan
17. Submission of Air Quality Assessment
18. Details of bin storage / waste strategy to be submitted
19. Hours restriction – construction including delivery vehicles
20. Hours restriction - piling activity
21. Removal of permitted development rights classes A-E
22. Details of CCTV installation to be submitted
23. Details of external lighting to be submitted
24. No approval granted for undercroft lighting. Scheme to be submitted

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Application No: 13/1267N

Location: LAND TO THE REAR OF REMER STREET, CREWE, CW1 4LT

Proposal: Development of 18 residential dwellings at land to rear of 110 Remer Street

Applicant: Frazer Lloyd-Jones, Thomas Jones & Sons Ltd

Expiry Date: 05-Jul-2013

SUMMARY RECOMMENDATION

Approve subject to the completion of a S106 Agreement and conditions

MAIN ISSUES

Impact of the development on:-

Principal of the Development

Affordable Housing

Highway Implications

Amenity

Design

Trees

Landscape

Ecology

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development.

The application was deferred from the Southern Planning Committee meeting on 26th June 2013 for the following reason:

'Deferred for additional highway information/ clarify contribution. Also to provide updated ecological reports'

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the northern side of Remer Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site is an undeveloped site with hedgerows and trees to the boundaries of the site. The area is

predominantly residential with residential properties to the south onto the Remer Street frontage. To the east of the site is Monks Coppenhall Primary School.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of 18 residential properties which would include a mix of semi-detached dwellings, 1 detached dwelling and 2 apartments. All properties would be two stories in height. One vehicular access point would be provided onto Remer Street.

3. RELEVANT HISTORY

7/13704 - 2 no detached houses and bungalows – Approved 18th December 1986

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
SPD – Development on Gardens and Backland Development

5. CONSULTATIONS (External to Planning)

United Utilities: No objection, the site must be drained on a separate system with only foul drainage connected into the foul sewer.

Strategic Highways Manager: The proposed site access is not well located, being virtually opposite that the Acer Avenue junction and close to the entrance off Remer Street to the primary

school and children's centre. However, the site is effectively a small infill one with no practicable alternative entrance point other than Remer Street.

There is considerable traffic pressure on the Remer St area owing to various development proposals coming forward. For this location to be acceptable in highway terms, changes to signing and lining will be required, but these will need to be compatible with other measures needed along Remer Street.

Following discussion with the applicant, a contribution of £18,000 has been offered toward a study of traffic implications of developments on Remer St, with a view to identifying potential calming measures in the vicinity of the development and elsewhere and implementing measures at the site itself.

The internal road layout has been amended as shown on drawing 1847-110 revision F. This meets the requirements regarding parking and visibility.

Under these circumstances and subject to the S106 contribution referred to above there is no objection to the proposal.

Environmental Health: Conditions suggested in relation to construction hours, piling works, and external lighting. An informative is suggested in relation to contaminated land.

6. OTHER REPRESENTATIONS

A letter of objection has been received from 1 local household raising the following points:

- Added traffic congestion to Remer Street which is an ambulance route
- Existing traffic problems on Remer Street
- Difficulties accessing properties during school drop-off and pick-up
- No need for more housing – there will already be 600 constructed to the rear of the site
- Impact upon local facilities – schools, hospitals, doctors, dentists
- Increased noise and building dust pollution
- Impact upon wildlife

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Ecology Scoping Survey (Produced by the Tryrer Partnership)
- Arboricultural Impact Assessment and Tree Protection Method Statement (Produced by Coppice Landscapes)
- Design and Access Statement (Produced by Barrie Newcombe Associates)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is 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 Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

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

The SHLAA has put forward a figure of 7.1 years housing land supply.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The site is surrounded by residential properties and a school whilst the land directly to the north is subject to application 11/1643N which has a resolution to approve subject to the completion of a S106 Agreement from Strategic Planning Board (application 11/1643N relates to 650 dwellings, a Public House, shop, associated infrastructure and open space. on this site). Therefore it is considered that the principal of the development is acceptable and the development would be appropriate in this location.

Affordable Housing

This application is for 18 dwellings in Crewe so the affordable housing requirement would be 30% as per the Council’s Interim Planning Statement on Affordable Housing (IPS). This equates to the 5 units of affordable housing that is in the application.

The sub-area of Crewe in the Strategic Housing Market Assessment 2010 (SHMA) shows a requirement for 1280 new affordable units between 2009/10 – 2013/14, this equates to a net

requirement for 256 new affordable units per year made up of 123 x 1bed, 20 x 2bed, 47 x 3bed, 40 x 4/5bed and 26 x 1/2 bed older persons units.

In addition to this information taken from the SHMA, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 249 applicants who have selected Middlewich Street Estate 1 (which is the nearest re-housing area to the site) as their first choice, the number of bedrooms these applicants need are 40 x 1bed, 104 x 2bed, 80 x 3bed, 17 x 4bed and 2 x 5bed (6 applicants have not specified the number of bedrooms they require).

There has been delivery of approximately 280 affordable dwellings in Crewe since 2009/10 and there is further anticipated delivery, however even with the anticipated delivery there will still be a significant shortfall against the identified need in the SHMA for the period of 2009/10 – 2013/14. Therefore as there is affordable housing need in Crewe there is a requirement that 30% of the total units at this site are affordable, which equates to 5 dwellings. The IPS also states that the tenure split the Council would expect is 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA. This would equate to 3 rented units and 2 intermediate units on this site.

The mix of properties is also considered to be acceptable as it will go towards meeting some of the identified need from the SHMA 2010 and it also ties-in with the type of property required by people currently on the housing register who require affordable housing for rent in the area.

Highways Implications

Remer St is a busy distributor road used as an orbital route through north Crewe and also as a main access route to Leighton Hospital. It has predominantly residential frontage with numerous accesses and turning movements, as well as pedestrian movements across it to bus stops and premises.

The application site has limited frontage to Remer Street and the proposed access point is the only viable option to access the site. Visibility splays of 2.4m x 43m in accordance with Manual for Streets can be achieved at the access point. The number of vehicular movements from the proposed development would be low and would not raise any significant concerns subject to a highways contribution of £18,000 which would be secured towards a traffic implication study of development on Remer Street with a view to identifying potential traffic calming measures in the vicinity of the development.

Adequate provision would be made for the parking of vehicles within the site.

The highways impact of the proposed development is therefore considered to be acceptable.

Following the deferral of the application at the Southern Planning Committee meeting on 26th June 2013 the Highways Officer has provided further information on how the contribution would be spent.

The development of 18 dwellings will generate only 12 vehicles per hour at peak highways times (this equates to only 1 additional vehicle per 5 minutes at the point of access). It is accepted that traffic flows on Remer Street will inevitably continue to rise with proposed residential development in the vicinity, with major sites in North Coppenhall and east of Sydney Road, as well as growing congestion in the centre of Crewe. However the level of increase associated with this development will only have a limited impact and the highways impact cannot be classed as severe (Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe).

In this case the access point for the application site is the only practicable option. To mitigate any possible adverse effects on road safety, some improvements through traffic-calming or signing are desirable. It is important therefore that any improvements proposed as part of this development should form part of any comprehensive improvement scheme for the Remer Street corridor and should take account of the anticipated and limited level of increase in traffic associated with this development proposal.

The applicant is aware of these issues and is prepared to contribute £18,000 as a S106 contribution to safety and calming measures at the site entrance, including a preparatory study to look at the full length of Remer St between Middlewich Street and Maw Green to be commissioned. Apart from this study, it is not expected that this developer contribution would cover much more than some TRO alterations and minor signing/markings measures in the vicinity of the new access.

It is considered that the contribution is of an appropriate scale for this small scale development, is relevant and necessary, and so meets the requirements for such S106 contributions.

Amenity

The main properties affected would be those to the south of the site which front onto Remer Street. In terms of 114 and 116 Remer Street there would be a separation distance of 22 metres from front elevations of plots 1 and 2 and the principle windows on 114 and 116 Remer Street. This would comply with the separation distances contained within the Council's SPD on Development on Backland and Gardens.

There would be new boundary treatment and landscaping to either side of the access and this would provide a sufficient buffer to the occupants of 110 and 114 Remer Street which are located to either side of the proposed access.

To the rear of 100 and 102 Remer Street there would be a separation distance of over 25 metres between the rear elevation of these properties and the side elevation of Plot 18. This would also exceed the separation distances set out within the SPD.

All other separation distances exceed those contained within the SPD and it is considered that an adequate standard of amenity can be provided for the future occupants of the dwellings.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The proposed development relates to the provision of two-storey dwellings which would be arranged around a cul-de-sac. It is considered that the scale of the development would be acceptable and that it would not appear out of character in this location.

As part of the development a number of amendments have been secured to improve the design of the development. The amendments include:

- An alteration to the house type at plot 3 to provide a dual frontage
- Alterations to plots 5/6, 9/10 and 17/18 to provide variation to these prominent plots
- The provision of brick walls to the boundaries of plots 2, 4 and 17
- Alteration to the materials to include blue brick banding and grey tiles as per the existing dwellings which front Remer Street

The proposed dwellings would be two storeys with a pitched roof. The elevational treatment of the dwellings shows that they would have projecting gables, lintel and sill detailing, canopies above the front doors and roof finials. It is considered that the design is acceptable and would not appear out of character in this part of Crewe.

Trees

The findings of the tree survey schedule indicate that one mature Oak tree located on the northern boundary merits a high (A) category, three hedgerows merit a moderate (B) category, one group and three hedgerows merit a low (C) category and four individual and one tree group merits a seriously defective (U) category.

The current proposal shows the retention of the Grade A Oak tree and an adjacent smaller Oak which the survey identifies as a seriously defective tree. In addition the moderate category hedgerows H7, H10 and H11 that define the northern, part southern and part western site boundaries respectively are to be retained.

With appropriate protection and management it would be possible to implement the development and retain most of the existing boundary hedgerows. Some gapping up of the northern boundary hedge would be desirable and will be controlled by condition.

The impact upon hedgerows and trees on the site is therefore considered to be acceptable.

Landscape

The site is relatively well contained and has the capacity to accommodate a sensitively designed residential development without harm to the wider landscape character. The layout would provide some opportunities for planting to mitigate for any tree losses. In the event of approval landscape and boundary treatment conditions would be appropriate.

Ecology

Great Crested Newts

The ponds to the north of the site have all been surveyed in recent years in connection with a large development proposed to the north. A single Great Crested Newt was recorded at a pond just over 100m from the site and the Councils Ecologist is satisfied that the species is unlikely to be breeding at this pond, whilst the development is located in excess of 400m from the main breeding pond to the north.

This planning application is unlikely to have a significant impact upon Great Crested Newts.

Reptiles

The site has been identified as offering potential habitat for reptiles. At least two reptile species are known to occur in the broad locality of this application site and a Reptile Survey has been requested.

A Reptile Survey has now been completed. In this case just one Grass Snake has been discovered in the 7 visits made to the site. The Councils Ecologist considers that the results of the survey are reasonable and robust. As a single grass snake was recorded on site it seems likely that the site supports small number of this species.

The proposed development will result in the loss of all available reptile habitat on the site and also possess the risk of killing or injuring any reptiles on site when the works are undertaken.

To mitigate the risk of animals being killed/injured the applicant's consultant has recommended supervised manipulation of the habitats on site to make them unsuitable for reptiles following completion of the works. Two potential strategies have been proposed as a means for compensating for the loss of terrestrial habitat these have been formulated having regard to planning permission being granted for 11/1643N (Land at Coppenhall East). The first strategy involves the translocation of any reptiles the ecological mitigation areas associated with 11/1643N.

This would be the preferred approach however it depends on 11/1643N being implemented prior to the implementation of the current proposals. If 11/1643N has not been implemented at the time of the commencement of the works covered by this current application any animals would instead be translocated to an offsite location which is within the ownership of the applicant. This offsite location would be enhanced for reptiles prior to the translocation of any captured reptiles.

In order to ensure that the Council has control over which strategy would be implemented it is recommended that a condition be attached to any permission requiring the applicant to submit a revised reptile mitigation strategy prior to the commencement of development.

Grassland Habitat

The submitted Phase One Habitat Survey categorises the grassland habitats on site as being 'semi improved'. This habitat could potentially be a UK BAP priority and hence a material consideration. However, none of the plant species recorded on site is characteristic of this habitat type. Therefore the development of this site is considered to be acceptable.

Hedgerow Habitat

Hedgerows are a Biodiversity Action plan priority species and a material consideration. One hedgerow recorded on site may be of particular value as it has been identified as being species rich. The proposed site plan indicates the retention of the existing hedgerows and the creation of additional hedgerows around the site boundary. Further detailed proposals for the boundary treatment for the site should be secured by means of a condition if consent is granted.

10. CONCLUSIONS

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and in this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted.

It is considered that the development is acceptable in terms of affordable housing provision and there is a need for this development.

The proposal would not raise any significant highway implications subject to a highways contribution of £18,000.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that the proposal is an acceptable design and layout.

There are no other ecological issues are raised as part of this application. The impact upon reptiles can mitigated and any reptiles found on site would be relocated to an alternative suitable habitat.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

LEVY (CIL) REGULATIONS

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

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

The development would result potential vehicle conflict with the junction of Acer Avenue and the nearby primary school. A contribution of £18,000 would help to identify potential traffic implications on Remer Street with a view to identifying traffic calming measures and implementing such measures. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

11. RECOMMENDATIONS

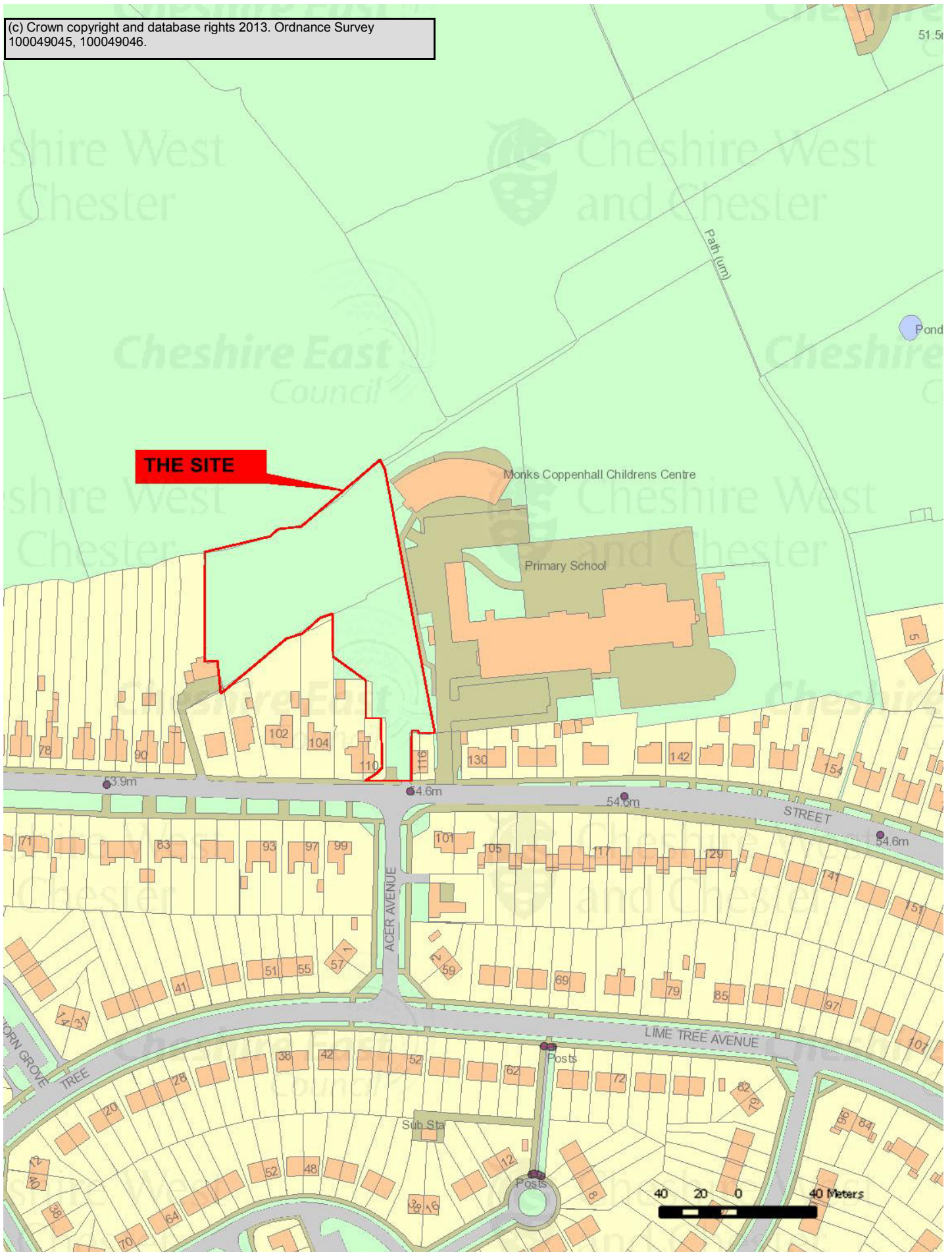
APPROVE subject to a S106 Agreement to secure the following:

1. A commuted payment of £18,000 towards a study of traffic implications of developments on Remer St, with a view to identifying potential calming measures in the vicinity of the development and elsewhere and implementing measures at the site itself.

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Submission and approval of materials**
- 7. Landscaping details to be submitted and approved**
- 8. Implementation of landscaping**
- 9. Boundary Treatment details to be submitted and approved**
- 10. Obscure glazing to side elevation of plots 16 and 18**
- 11. A scheme of nesting bird mitigation measures to be incorporated into the development**
- 12. Dwellings to be retained as affordable housing**
- 13. Prior to the commencement of development details of existing and proposed levels are to be provided.**
- 14. Details of tree protection to be submitted and approved in writing**
- 15. Reptile mitigation measures**

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Application No: 13/1379C

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

Proposal: Construction of one new dwelling

Applicant: Arthur Davies

Expiry Date: 22-May-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- Housing land supply
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- The impact on protected species

REASON FOR REFERRAL

At Southern Planning Committee on May 29th 2013, Committee voted for the application to be DEFERRED for FURTHER INFORMATION – Members requested a wider plan showing other schemes approved/refused in the area.

Councillor J. Wray originally 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

Revised plans have now been submitted for the erection of 1 detached dwelling.

The original proposal was for 2 dwellings. The applicant has changed the scheme in response to the comments made at Southern Planning Committee.

Furthermore, 2 photo montages have been submitted to show the proposed dwelling in relation to the surrounding residential developments that are currently being appealed.

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 objections, subject to a condition regarding the provision of electromagnetic screening measures.

Strategic Highways Manager – Originally had concerns regarding visibility.

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.’*

Brereton Parish Council - Object to the proposal on the following grounds;

- No need for housing as Cheshire East Council can now demonstrate a 5 year supply of housing
- Proposal is back-land development which is out of character
- Development is not in a sustainable location

OTHER REPRESENTATIONS:

8 neighbouring letters of objection have been received to the original proposal. 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

No objections were received to the revised scheme.

SUPPORTING INFORMATION:

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

Photo Montages

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 1 dwelling 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 1 further detached dwelling 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 unit is not considered to appear incongruous within its 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 1 new dwelling 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 proposed dwellings would be inset to the south of this road by approximately 17.5 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.

A new access point onto the A54 would service a proposed new driveway which would extend along the eastern boundary of the site leading to a detached garage.

The dwelling would have a footprint of approximately 179 metres squared and a height of approximately 8.5 metres. Given the range of dwelling heights and footprints within the vicinity of this development, it is considered that the height and scale of this dwelling 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 proposed dwelling would be a two-storey unit consisting of a dual-pitched roof and a single-storey side and rear outrigger. It would also benefit from a detached, dual-pitched garage.

It is considered that this dwelling would include acceptable design features that would not be out of character in this area of mixed forms and 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 would be approximately 13.4 metres

parallel to the side elevation of this neighbouring dwelling. On the relevant side elevation of this proposed dwelling, the following windows are proposed; 2 first-floor secondary bedroom windows, 1 ground-floor secondary dining room window, 1 ground-floor secondary kitchen window and a glazed side elevation to a ground floor sun lounge. 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 largely 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. However, to prevent any overlooking issues being created by the first-floor secondary bedroom windows, should the application be approved, it is recommended that these be obscurely glazed.

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.

Originally, the access to the site would not have been able to achieve acceptable visibility splays. This was because of obstacles on third party land.

The applicant has confirmed that they have the permission of the third party land owner to remove the obstacles and submitted a revised highway plan to show that the required visibility splays can be achieved.

As it involves third party land this will need to be secured by a S106 legal agreement rather than a condition.

As such, subject to this legal agreement, it is considered that the development would adhere with Policy GR9 of the Local Plan.

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.

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...'* This application is currently being appealed.

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 an additional unit 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 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.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of the access across third party land is necessary to ensure appropriate safe visibility is achieved for all highway users, it directly serves the proposed development and is considered reasonable to the application for one dwelling. The absence of a safe access would render the application unacceptable. The appropriate tests are therefore considered to have been met.

CONCLUSIONS

The principle of erecting 1 new dwelling on a site within the infill settlement boundary is deemed to be acceptable in principle.

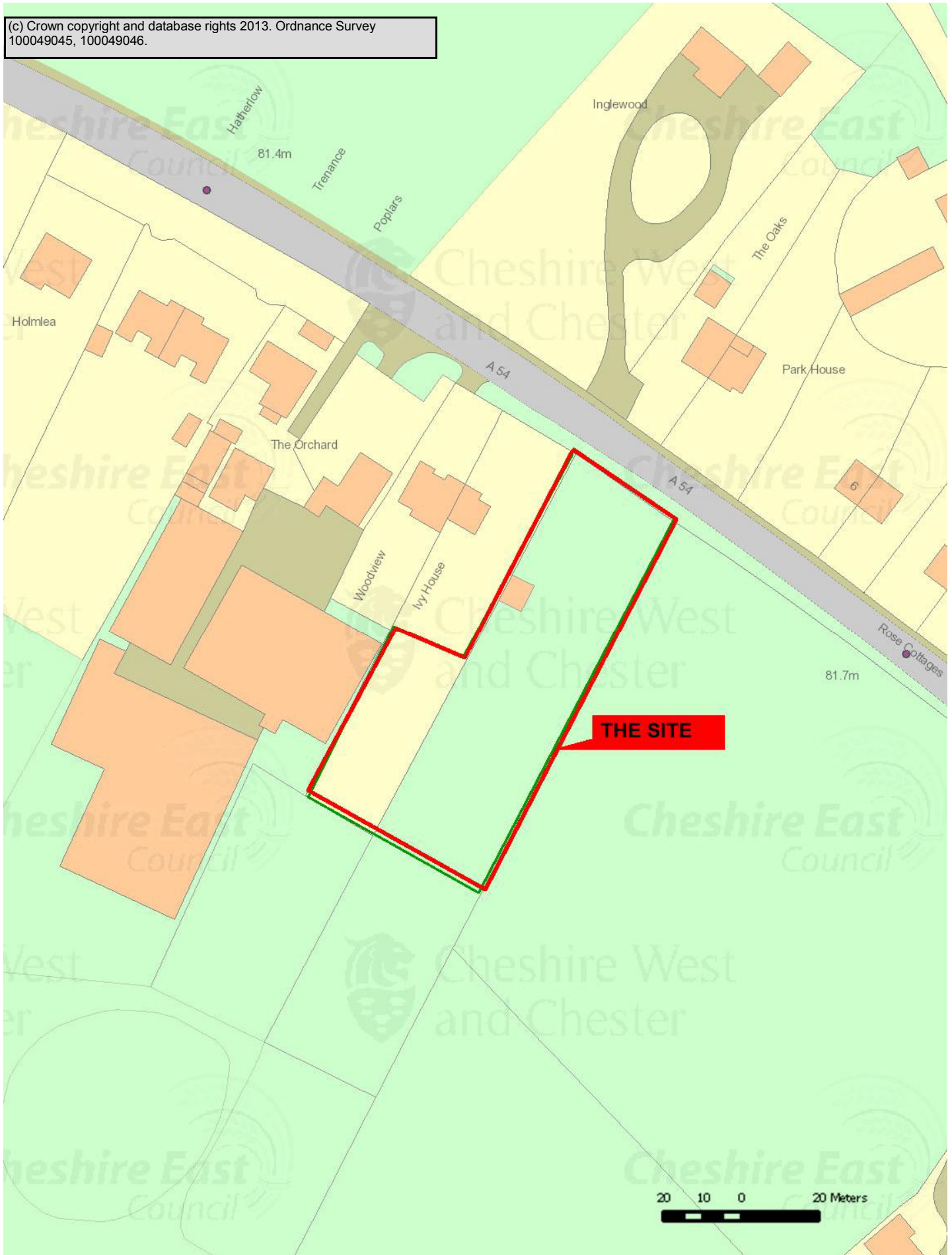
The dwelling would respect the local character in terms of use, intensity, scale and appearance. In addition the proposal would not raise any concerns for neighbouring amenity, highway safety or protected species. In so doing, the proposal accords with Policies: PS6 (Settlements in the Open Countryside 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 S106 Agreement to secure the creation and retention of visibility plays on third part land and the following conditions;

1. Time (Standard)
2. Plans
3. Materials to be submitted
4. Obscure glazing (x2 first-floor bedroom windows serving Bedroom 3 on north-western side elevation)
5. Electromagnetic materials
6. Hours of construction
7. Pile driving hours
8. Pile driving method statement
9. Landscaping (Details)
10. Landscaping (Implementation)
11. Boundary Treatment (Details)
12. Newt Mitigation (Implementation)
13. Breeding birds

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Application No: 13/1443C

Location: 22 , Nursery Road, Alsager, Stoke-on-Trent, ST7 2TX

Proposal: PROPOSED EXTENSIONS & ALTERATIONS TOGETHER WITH THE ERECTION OF 2 ANTENNA'S

Applicant: B. STEEN

Expiry Date: 29-May-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Principle (Open Countryside)
Design
Amenity

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee at the request of Councillor Hammond:-

“should the officer recommendation be for approval then I support the request of Haslington Parish Council that the application be determined by Committee due to the visual intrusion of the proposed extensions, alterations and antennas on adjacent properties, not reflecting the existing pattern and character of the surrounding area and the domination of the original building by the proposed development. This is contrary to Policies BE.1, BE.2 and RES.11 of the Crewe & Nantwich Local Plan 2011. I would also strongly recommend that a site visit would be beneficial for Members of the Committee.”

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the northern side of Nursery Road overlooking open countryside to the south. A detached bungalow is currently on the site. There is a bungalow on each side, to the adjacent plots east and west. There is open land to the south. The site is consistent with the immediate surrounding context that is low rise and urban fringe. Trees and traditional wooden electricity posts and cables puncture the skyline.

DETAILS OF PROPOSAL

An extended dormer style dwelling is proposed with a two storey gable features to front and rear with a much larger footprint and volume. It would be 1.5 metres taller than the existing house and proposes 2.9 and 2 metre gaps to each boundary. Two radio antennas were

originally proposed; one attached to the proposed chimney feature projecting 1 metre above the roofline; the other a free standing amateur radio monopole antenna that would have been 7 metres tall retracted and 12 metres tall extended. The free standing monopole would have been sited 3 metres from the rear north east corner of the proposed house. *The free standing antenna has now been omitted from the proposals by revised drawings in response to concerns.*

PLANNING HISTORY

None

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

RES.11 (Improvements and alterations to existing dwellings)

NE.2 (Open Countryside)

Other Material Considerations

Extensions and Householder Development SPD

CONSULTATIONS (External to Planning)

None

VIEWS OF HASLINGTON PARISH COUNCIL

Haslington Parish Council has objected, and supports the call in of the application to be decided by the planning committee.

Contrary to policy BE.1 Amenity - visual intrusion for adjacent properties and “in any other way” risk of aerial tower falling, wind noise through the mast supports etc.

Contrary to policy BE.2 the proposals do not respect the existing pattern and character - Nursery Road is in open countryside with small single storey bungalows - the proposal is for higher dwelling with 1st floor accommodation.

Contrary to policy RES.11 the original building is dominated by the proposed development in an area of open countryside. The proposed development has a ground floor area more than 100% larger than the existing building, plus new 1st floor accommodation.

Uncertainty over the treatment of the two large aerial masts, which do not appear to be covered by a specific C&N BC policy hence our request for this to be considered by committee. Having become aware of an earlier application involving radio antenna in Alsager, the adjacent community where slightly different policies apply from Congleton BC, but still within Cheshire East and very close to the proposed development, also by the same applicant.

09/4148C - The application is refused on the following grounds:-

“The proposed radio aerial, by reason of its size, siting and design would form a visually intrusive feature, which would detract from the character and appearance of the area within which it is located. The approval of the development would therefore be contrary to national and local policies. To allow the development would be contrary to policy E19 of the adopted Congleton Borough Local Plan First Review 2005.

2. Insufficient information has been submitted with the application relating to radiation emission in order to assess adequately the impact of the proposed development having regard to public health. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, namely Policy GR7 of the adopted Congleton Borough Local Plan First Review 2005 and other material considerations.

3. Insufficient information has been submitted with the application relating to possible noise generation in order to assess adequately the impact of the proposed development having regard to residential amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, namely Policies GR6 and GR7 of the adopted Congleton Borough Local Plan First Review 2005 and other material considerations.”

The decision was taken to appeal by the applicant and was again refused on point 1, i.e. contrary to policy E19.

OTHER REPRESENTATIONS

26 objections have been received to the application and raise the following:-

- Both Antennas would be totally out of character particularly as one would be free standing and 12 metres above the roofline.
- Noise pollution from buzzing from the antenna and wind noise.
- Antenna would be out of keeping with open countryside.
- Antenna would be a visual intrusion and an alien feature.
- Antennas are a health hazard and would affect TV and radio reception.
- Adjacent neighbours particularly object also to the height of the proposed house in comparison to the existing bungalow.
- Juliet balcony would be an invasion of privacy overlooking neighbouring garden.
- Bedroom window in side elevation would overlook neighbouring house.

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

SUPPORTING INFORMATION

None

OFFICER APPRAISAL

Principle of Development

The overall principle of development is considered to be acceptable as it is within the spirit of the relevant policies of the Local Plan. Those policies are BE 1 (Amenity); BE.2 (Design Standards); NE.2 (Open Countryside); and RES.11 (Improvements and alterations to existing dwellings).

When assessed against RES 11 the development should respect the setting, design, scale and form and materials of the original dwelling but with the original dwelling remaining the dominant element with the extension subordinate. It is the view that this proposal respects the setting and form but it is clear that the proposal is not subordinate. However, on site the extensions fit well in terms of spacing and it is considered to be acceptable as it should not result in loss of amenity or a loss of parking space. Although RES 11 is not fully satisfied by the proposals it is considered to be, on balance, acceptable.

The application forms refer to the development as an extension but it could be argued that the development is tantamount to a replacement dwelling. In terms of the replacement dwelling policy, RES.10 does state that the replacement dwelling should not be larger than the dwelling it replaces but also should be appropriate in terms of scale, size, design and materials to the existing building and its setting and to the vernacular character of dwellings in the locality. In this case the proposed dwelling is significantly larger in volume (approximately 520 cubic metres replacing approximately 250 cubic metres). Nevertheless, it is considered that the original character of the area would be preserved and the visual representations show that the proposed dwelling would be an improvement in design terms. Crucially, the Council has recently approved a similar scale of development/extension at another site at 32 Nursery Road (12/1954C) and this is representative of the fluid and changing character in the vicinity.

Design

As a result of the concern about the size of the dwelling a street scene perspective was requested from the agent. It is considered that the character of the area would be respected as the increase in size and height would not be readily perceivable as a result of the juxtaposition of the plot with its neighbours. The existing house under utilises the plot and is weak in design terms. The proposed house would be absorbed into the spacious character by way of reasonable gaps on both sides to the boundary of the plot.

Visual Amenity

Clearly the objections to the proposals revolved much around the original proposal plan to site two radio antennae on the site; one on the roof of the proposed house and the other free

standing in the rear garden. It was considered that the free standing proposal would have had the greater impact due to both the retracted and extended height although this was balanced against the backdrop of trees and electricity poles that characterise the area. Nevertheless, the Council was successful in the defending an appeal (APP/R0660/A/10/2124444) against the refusal of 09/4148C, in another location from the same applicant, albeit for a taller 16 metre mast. The Inspector concluded that *“it would be clearly visible from the public highway and it would appear as an incongruous feature within a predominantly residential street scene.”* As a result of discussions with officers the applicant has now omitted the proposed free standing mast from this application. It is considered that the antenna proposed to be attached to the roof would be acceptable in visual terms and would not detract from the overall character of the area.

The extensions and alterations to the dwelling itself are considered to be acceptable in terms of visual amenity and impact on street scene due to the spacious nature of the plot as discussed above.

Residential Amenity

The agent has also amended the drawings to show obscure glazing in a secondary window in the western end elevation as a clear window raised concerns of overlooking to number 24 Nursery Road. However, the applicant wishes to retain the “Juliet” balcony. It is considered that this would be acceptable due to the angle of the balcony looking further to the north away from the neighbouring house. The position of the dwelling projects slightly forward of the building line of the neighbouring houses, and the plot is presently under utilised, thus the bulk should not be overbearing or lead to any significant loss of light.

Other issues

In terms of the noise and public health issues raised in original objections to the two antennas it is clear there is no evidential basis for sustaining reasons for refusal on either basis. The Inspector rejected both reasons for refusal on noise and health in the previous aforementioned appeal case through the lack of compelling evidence therefore they are not considered to be issues that should be used to assess this application. Also, local concerns should now be considerably allayed as the larger free standing antenna is no longer proposed.

CONCLUSIONS

It is considered that the application proposes an acceptable form of extension/ replacement development in an area of gradual change. In this context, it is unlikely to significantly impact upon the open countryside and or impact on neighbouring residential and visual amenity. Notwithstanding criterion of RES.11, it is considered that the proposal is in general accordance with the relevant policies of the Development Plan and is therefore it is recommended that Committee approve the application.

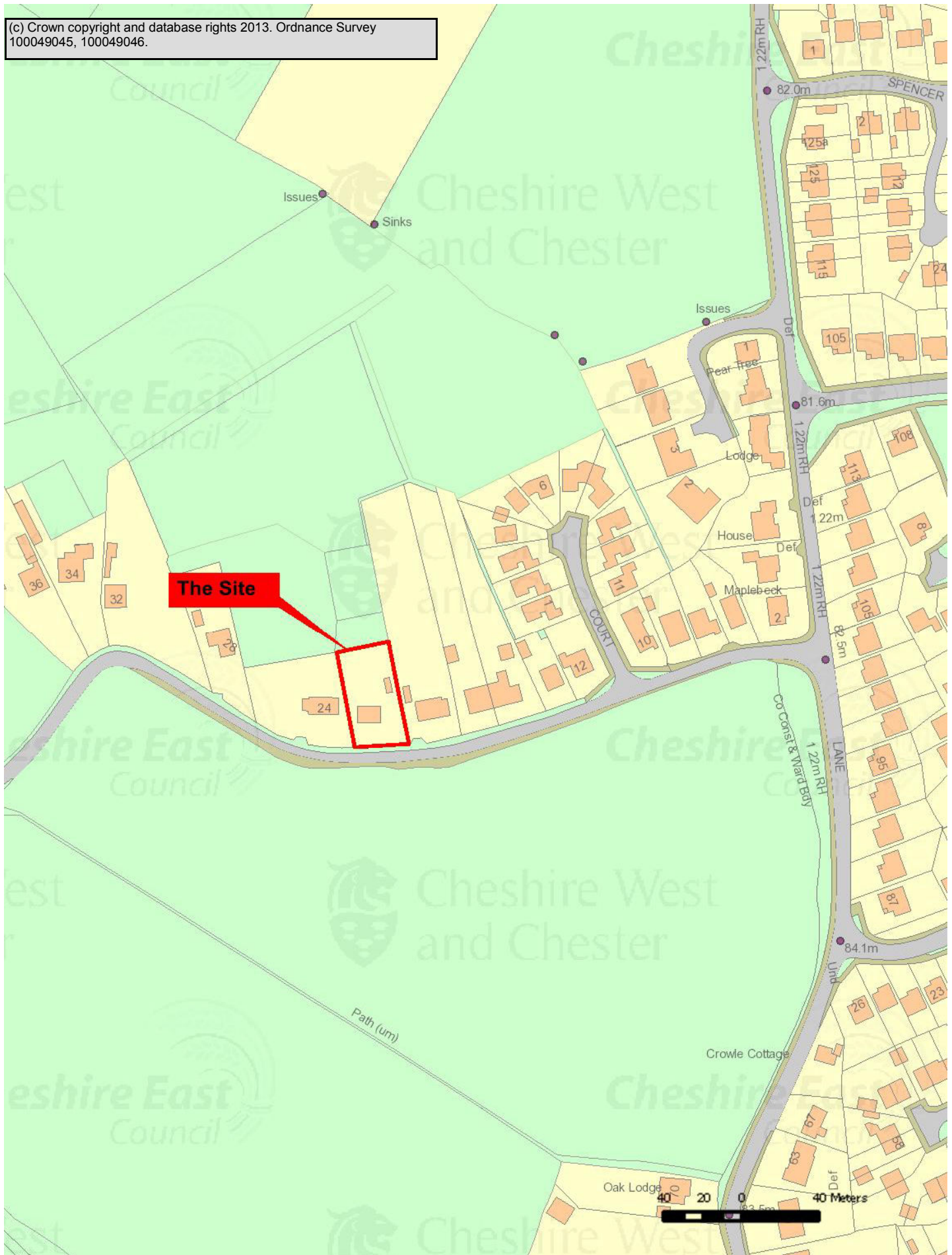
RECOMMENDATION

APPROVE subject to the following conditions

1. Standard time period

2. In accordance with Approved Plans
3. Details of materials to be agreed

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Application No: 13/2187C

Location: Land adjacent 5, MIDDLEWICH ROAD, CRANAGE, CHESHIRE, CW4 8HG

Proposal: Extension to time limit for implementation of application 11/0748C - Reserved Matters application for 10 dwellings

Applicant: Cranage Parish Council

Expiry Date: 28-Aug-2013

SUMMARY RECOMMENDATION

Approve.

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

1. REFERAL

This application is included on the agenda of the Southern Planning Committee as the proposal involves extending the time limit on a scheme which comprises of more than 10 dwellings and is therefore a small-scale major development.

2. DESCRIPTION OF SITE

This application relates to a 0.5 hectare parcel of land located at the junction of Middlewich Road and Knutsford Road in Cranage. The site lies entirely within the Open Countryside and is in the freehold ownership of Cranage Parish Council.

This is a rural site currently used for grazing and is highly prominent within the surrounding area. The site is bound to the west by residential properties, to the north and south by Open Countryside, and to the east by Knutsford Road followed by several residential properties.

The site is currently accessed from an agricultural access off Middlewich Road and the boundaries consist of traditional Cheshire railings and substantial trees and hedges.

3. DETAILS OF PROPOSAL

This application seeks permission to extend the time limit attached to outline approval 07/0662/OUT, which was subsequently kept alive by the later approval of the reserved matters referenced 11/0748C. This granted approval for the erection of 10 affordable dwellings.

4. RELEVANT HISTORY

(07/0662/OUT) - Approved 16.10.2007 - Outline application for ten dwelling houses

(10/4189C)

Withdrawn 04.01.2011

Reserved Matters Application for Approved
Application 07/0662/OUT - Ten Dwelling
Houses

(11/0748C)

Approved 06.06.2011

Reserved Matters Application for Approved
Application 07/0662/OUT - Ten Dwelling
Houses

5. POLICIES

Local Plan Policy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Developments of More than 10 Dwellings

GR4 Landscaping

GR6&7 Amenity & Health

GR9 Accessibility, servicing and parking provision

GR10 Managing Travel Needs

GR16 Footpath, Bridleway , and Cycle Networks

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H14 Affordable and Low Cost Housing

NR1 Trees & Woodland

NR2 Wildlife & Nature Conservation

SPG1 Provision of Public Open Space in New Residential Developments

SPG2 Provision of Private Open Space in New Residential Developments

SPD4 Sustainable Development

SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

National Planning Policy Framework

ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

DCLG (Oct 2010) Greater flexibility for planning permissions

6. CONSULTATIONS

Cranage Parish Council:

No comments received

Strategic Highways Manager:

No objection

Environmental Protection:

No objection subject to conditions restricting hours of construction / piling and conditions relating to land contamination and noise mitigation.

United Utilities:

No objection

Jodrell Bank:

No objection

Public Rights of Way (PROW):

No objection subject to an informative

Other Representations:

Letters have been received from 16 addresses objecting to this proposal on the following grounds:

- This is a Greenfield site
- The Public Bridleway along the edge of the field needs to remain a wide rural bridleway
- Local Residents have already voted to keep this as grazing land
- The Parish Council have already voted not to sell this land off
- There is already affordable housing across the road (Big Stone Gardens), some of which had to be sold off outside the area as demand was too low
- There is no further need for affordable housing in Cranage
- latest SHMA report shows only a need for 7 affordable houses
- There is an excess of affordable units taking into account other permissions which have been granted since the original outline application was considered
- The application is now out of time
- A new housing needs survey should be carried out
- The site is unsustainable – there are no amenities or services nearby
- Highways Safety – coupled with Big Stone House, the A50 is very dangerous. There have been numerous accidents
- The site is not infill and is therefore Green Belt
- The Parish Council were not aware of the submission of this application even though they are the applicant
- The land belongs to the people of Cranage
- This project is a waste of the Parish Council's money
- There is a S106 Legal Agreement with a cascade system including a local connection criteria
- PPS3 advises that land for housing should only be released next to existing settlements
- No reasons have been given for extending the time limit

- Development usually only require 30-35% affordable housing. This application will saturate the area
- The drainage, water and electricity supply in the area is poor
- The application is not within the spirit of the concessions to extend time limits.

7. OFFICER APPRAISAL

SCOPE OF THIS APPLICATION

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

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The application remains unchanged from the previous schemes that were approved under the outline consent and the detail agreed at the reserved matters stage. Since then, the National Planning Policy Framework has been introduced, but does not make any significant changes to the original policy position with respect to rural exception sites for affordable housing such as this one.

With respect to local policy, whilst there has been a change in position in terms of housing land supply, with the recent update to the Strategic Housing Land Availability Assessment (2013) and the Cheshire East Draft Strategy, this would not preclude this site from being brought forward because it is a scheme for 100% affordable housing (i.e. a rural exception). In this regard, there has been no material change.

A number of objectors consider that there is no proven need for additional affordable units in the area as they feel that the need has already been met by developments such as Big Stone Gardens across the Road and the Sanofi Aventis site in Holmes Chapel. There has been a change in the level of provision since the original application was considered. However, the Council's Housing Section has confirmed that there is still a need.

The Strategic Housing Market Assessment 2010 (SHMA) identified a requirement for 40 affordable homes between 2009/10 – 20013/14 in the Holmes Chapel Rural sub-area. This sub-area includes Cranage, Goostrey, Twemlow and Swettenham. There are currently 9 applicants on Cheshire Homechoice who have selected Cranage as their first choice. Four of

these require 3 bed properties, three require 2 bed properties and two haven't said how many bedrooms they need. In addition, when the last housing needs survey (which incorporated Cranage) was carried out; it identified 27 newly forming households who required affordable housing.

In terms of delivery, 10 affordable dwellings were delivered at Big Stone House, Cranage in 2010/11 and the development of 13 affordable dwellings at Twemlow Lane, Twemlow has now commenced. The likely prospect is that only 23 affordable dwellings have been delivered in the Holmes Chapel Rural sub-area. As such, there is still a shortfall that needs to be met and therefore still a need for the proposed units. Thus, whilst there has been a slight change in the delivery, this has not been enough to address the need and as such, there has been no 'significant' material change in circumstances that would warrant an objection to the proposal.

Other Issues Raised by Representation

Much of the comments raised by objectors refer to the acceptability of the development. However, the principle of the development has already been established and issues relating to access, highway safety, the sustainability of the site, drainage and local infrastructure have already been considered and deemed acceptable.

With respect to the survey that Cranage Parish Council conducted to gather local resident's opinions about the sale of the land and whether the site should be developed or not, this is not a material planning consideration.

Reference has also been made to the fact that the original outline application has expired. The application for reserved matters was lodged within the required 3 year time limit. The time limit then stated that the reserved matters had to be commenced within 2 years of the reserved matters being approved. This application to extend the time limit was lodged before the expiration of the 2 year time limit to commence (before 3rd June 2013). As such, this application is valid and is in accordance with guidance (para 21 of DCLG 'Greater flexibility for planning permissions').

Conditions

Condition numbers 4 and 5 required submission of legal agreements prior to development commencing to secure the affordable housing and to protect the Council against Part 1 claims under the Highways Act 1980. However, a S106 agreement has not been submitted for the affordable housing as development has not commenced. This can be secured by way of a condition and as such will be amended accordingly. The legal agreements relating to Part 1 Claims are not a material planning consideration and therefore this condition should be deleted. This is covered under separate highways legislation.

8. CONCLUSIONS

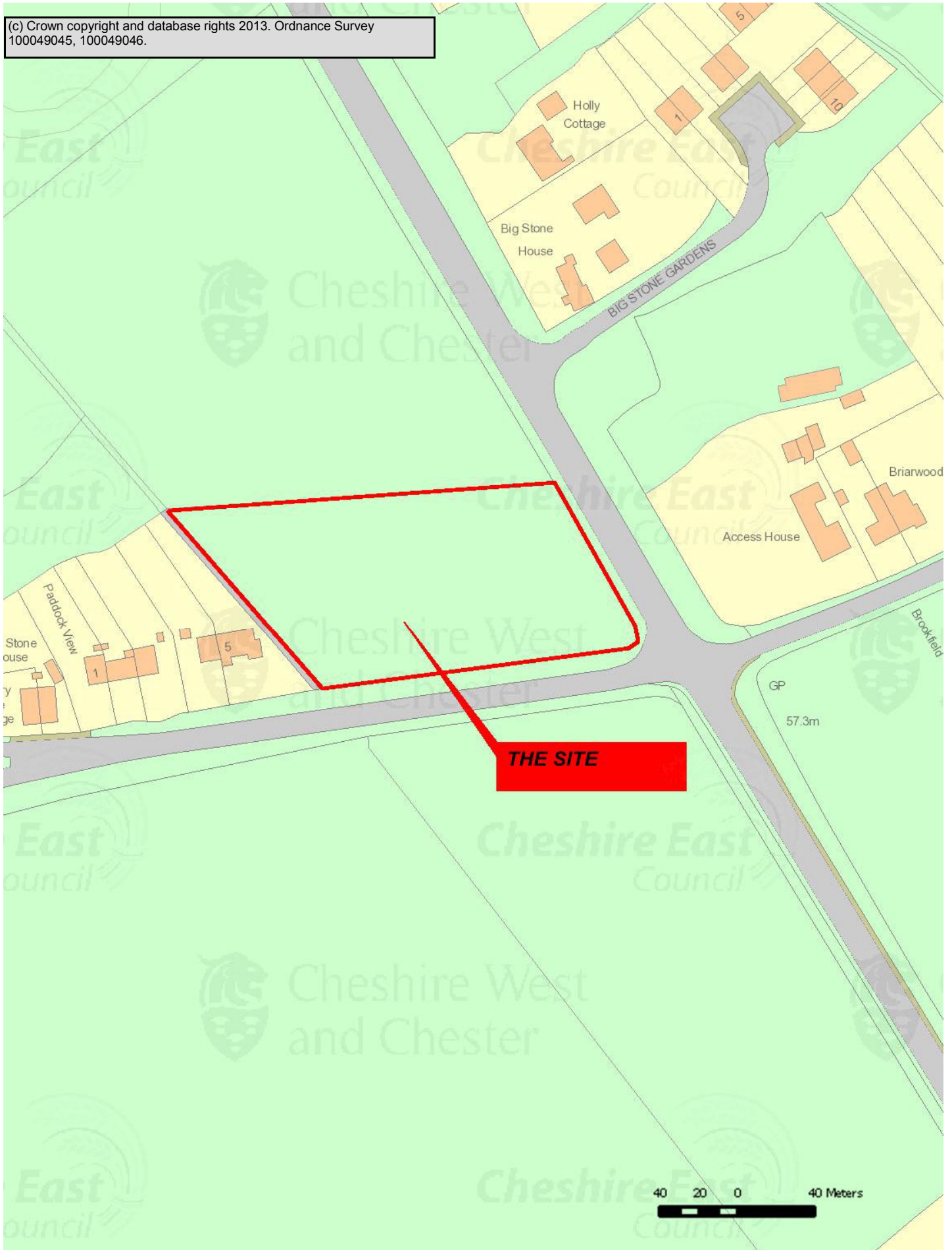
It is concluded that there are no 'significant' material changes since applications 07/0662/OUT and 11/0748C were permitted that would warrant a refusal to extend the time limit on the original permission. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to the conditions that were applied, except where amendment is required to account for the later approval of the reserved matters.

9. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Reserved Matters to be submitted or in accordance with reserved matters 11/0748C**
- 2.Reserved Matters to be submitted within 3 years or in accordance with reserved matters 11/0748C**
- 3.Commencement of development within 3 years of this permission or 2 years following approval of last of reserved matters**
- 4.Housing to be 100% affordable in perpetuity**
- 5.Compliance with parking standard agreed at Reserved Matters stage**
- 6.Prior to first use, visibility splays to be provided at the access**
- 7.Landscaping to be implemented in the first planting season following occupation or completion**
- 8.Details of boundary treatment to be submitted**
- 9.Contaminated Land Assessment top be submitted**
- 10.Submission of scheme to protect dwellings from traffic noise**
- 11.Hours of construction restricted**
- 12.Submission of an Air Quality Assessment**
- 13.Hours of piling restricted**
- 14.Submission of details of anti-radio interference materials**
- 15.Submission of details of foul and surface water drainage**
- 16.Submission of details of external materials and finishes**
- 17.Dwelling to be set-out and finished floor levels**
- 18.Removal of Permitted Development Rights for Classes A-E (extensions, alterations and outbuildings)**
- 19.Removal of Permitted Development Rights for gates, walls and fences**

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 24th July 2013

Report of: Planning and Place Shaping Manager

Title: Report for a new Unilateral Undertaking to amend the Heads of Terms to exclude low cost market housing from Outline planning approval 10/2653C and Reserved matters approval 13/0757C – *‘erection of 17 dwellings, associated works and vehicular access for Land off Canal Road, Congleton’.*

1.0 Purpose of Report

1.1 To seek a resolution agreeing to modify the Heads of Terms of the Unilateral Undertaking relating to outline approval 10/2653C and reserved matters approval 13/0757C.

2.0 Decision Required

2.1 Members need to confirm that the exclusion of low cost market housing from the Heads of terms of the Unilateral Undertaking relating to outline approval 10/2653C is acceptable, and that this can be secured through the execution of a new Unilateral Undertaking.

3.0 Background and Report

3.1 In 2010, the Southern Planning Committee resolved to grant outline planning permission for the erection of 17 dwellings, associated works and vehicular access at land off Canal Road, Congleton (planning ref: 10/2653C). The resolution required the signing of a S106 Legal Agreement to secure affordable housing, low cost market housing and financial contributions towards Public Open Space.

3.2 However, prior to the signing of the legal agreement, the Developer lodged an appeal against non-determination and the Planning Inspectorate subsequently allowed the appeal and granted outline approval for the development (Planning Inspectorate ref; APP/R0660/A/11/2149930).

3.3 As part of the planning appeal process, Wainhomes submitted an acceptable Unilateral Undertaking. The provisions made within the Unilateral Undertaking consisted of:

- four two bedroomed dwellings of Social Rented Housing;
- four two bedroomed dwellings of Low Cost Housing; and
- the contribution of £31,424 towards Public Open Space, Children and Young Persons Provision and ongoing maintenance of the facilities

3.4 Since the outline scheme was allowed at appeal in 2011, it has been accepted that there is no longer a requirement for low cost market housing to be secured by way of a legal agreement. National guidance does not require it.

3.5 Instead, residential developments should be designed in such a way as to incorporate smaller open market units within them, which by their nature are low cost. This principle has been followed in the reserved matters scheme, which was approved by the Southern Planning Committee at the meeting 10th April 2013 (planning ref: 13/0757C).

3.6 These terms were also accepted when the Council granted full planning permission for a similar development at the site as part of planning reference 11/0861C.

- Consequently, the requirement for the provision of four two bedroomed dwellings of low cost housing should be removed from the heads of terms of through a revised Unilateral Undertaking. The necessary amount of affordable housing will be secured.

4.0 Conclusions

4.1 The Heads of Terms agreed as acceptable by the Council and the Planning Inspectorate in the original Unilateral Undertaking need to be amended to exclude low cost market housing.

4.2 The provision of such is not necessary, is not required by national guidance and has already been accepted through a previous approval at the site. As such, the revised heads of terms should be amended to consist of the provision of:

- four two bedroomed dwellings of Social Rented Housing; and
- the contribution of £31, 424 towards Public Open Space, Children and Young Persons Provision and ongoing maintenance of the facilities.

5.0 Recommendation

To approve the changes to the Unilateral Undertaking to remove the reference to four low cost market housing, but retaining Affordable Housing and Public Open Space provisions.

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