

Southern Planning Committee

Agenda

Date: Wednesday 18th September 2013
Time: 1.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street,
Crewe CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 1 – 14)

To approve the minutes of the meeting held on 21 August 2013.

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

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.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **13/2611M - Rode Heath Wood, Back Lane, Eaton, Congleton, CW12 2NL: Removal of Condition 12 of Approved Application 06/2254P to Allow Siting of 32 Timber Clad Twin Unit Caravans, Access Work and Landscaping for D Noad** (Pages 15 - 22)

To consider the above planning application.

6. **13/2654M - Rode Heath Wood, Back Lane, Eaton, Congleton, CW12 2NL: Application to Remove Condition 3 of Previously Approved Application 09/3544M to Allow the Holiday Park to Operate All Year Round for David Noad** (Pages 23 - 30)

To consider the above planning application.

7. **13/2529N - Lakeside Superbowl, Unit 1, Phoenix Leisure Park, Dunwoody Way, Crewe, CW1 3AJ: Change of Use of Part of the Building, from Class D2 (Leisure) to Class A3 (Restaurants), with External Alterations to Create Individual Glazed Shopfronts to the Frontage and Doorways to the Rear and Provision of Ramped and Stepped Walkway to the North of the Building to Improve Accessibility to the Town Centre for Albermarle Property Opportunities LLP** (Pages 31 - 38)

To consider the above planning application.

8. **13/1573N - Huntsbank Business Park, Crewe Road, Wistaston, Crewe, CW2 6QT: Demolition of Existing Warehouse / Showroom and Adjoining Single-Storey Brick Office Structure forming Unit 1. New Build Extension to Adjacent Industrial Buildings to Provide Two New Units to Replace Unit 1 for W M Ewington, W M Ewington & Co Ltd** (Pages 39 - 46)

To consider the above planning application.

9. **13/1607C - Spark Lane Farm, Congleton Road, Arclid, CW11 2UJ: Conversion of Existing Barn Structures, Demolition of Redundant Structures and New Build Construction to form 8no Dwellings for Keith Radcliffe** (Pages 47 - 60)

To consider the above planning application.

10. **13/2553N - 285 Nantwich Road, Crewe, CW2 6PF: Change of Use from a Large Six Bedroomed Residential Home to a Residential House of Multiple Occupancy housing 8 Tenants for Miss Stephanie James, James Holdridge Properties** (Pages 61 - 66)

To consider the above planning application.

11. **13/2613C - Old Church Hall, Vicarage Lane, Elworth, Sandbach, CW11 3BW: Demolition of Existing Building and Change of Use to Erect 4 no Residential Dwellings for C Wright, Forward Property Group** (Pages 67 - 74)

To consider the above planning application.

12. **13/2637N - Land North East of Oak Farm, Heatley Lane, Broomhall, CW5 8AH: Erection of 2 No. Poultry Buildings, Link Control Room, 4 No. Feed Bins and Associated Hardstanding and Access Road (resubmission of 13/0662N) for Andrew Hollins** (Pages 75 - 82)

To consider the above planning application.

13. **13/2841C - Land North of Moss Lane, Sandbach: Outline Application for 13 New Dwellings for Peter Richardson** (Pages 83 - 96)

To consider the above planning application.

14. **13/2901C - Land Adjacent to Meadow View, 118 Dunnocksfold Road, Alsager, ST7 2TW: Development of 8 Market Dwellings on Land to the North of Close Lane, Alsager for Stephanie Hurstfield** (Pages 97 - 110)

To consider the above planning application.

15. **13/3046N - 271 Newcastle Road, Wybunbury, Nantwich, CW5 7ET: Change of Use from Shot-blasting Heavy Goods Vehicles to Car Repairs, Dismantling and Salvage of Parts for Victor Pickering** (Pages 111 - 122)

To consider the above planning application.

16. **13/3223N - Holly Bush Inn, Crewe Road, Winterley, CW11 4RF: Outline Planning Permission for Three New Detached Two Storey Dwellings on Land to the Rear of Public House with Associated External Works including New Access Road for Rebecca Williams, Holly Bush Inn (Pages 123 - 134)**

To consider the above planning application.

17. **13/2757N - Audlem Country Home, School Lane, Audlem, Crewe, CW3 0BA: Extension To Time Limit On Application 10/1551N (Relating To Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderly) for R C Chawner, Keenrick Nursing Homes (Pages 135 - 142)**

To consider the above planning application.

18. **13/2758N - Audlem Country Home, School Lane, Audlem, Crewe, CW3 0BA: Extension To Time Limit On Application 10/1912N (Relating To Listed Building Consent For Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderly) for R C Chawner, Keenrick Nursing Homes (Pages 143 - 148)**

To consider the above planning application.

19. **13/2847N - 89A Bradfield Road, Crewe, CW1 3RB: Removal of Condition 8 (Renewable Energy) on Approval 13/0130N - Demolition of Existing Bungalow & Garage and Construction of 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses for Mr N Powell, Wulvern Housing (Pages 149 - 154)**

To consider the above planning application.

20. **Forthcoming Appeal Concerning Application 12/3807C (Land Adj to Rose Cottages, Holmes Chapel RD, Somerford) (Pages 155 - 160)**

To consider a report which details the implications for the forthcoming appeal having regard to the publication and adoption of the Development Strategy on 6 December 2012 and the 2012 SHLAA on 11 February 2013.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 21st August, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor M J Weatherill (Vice-Chairman, in the Chair)

Councillors Rhoda Bailey, R Cartlidge, W S Davies, P Groves, D Marren,
M A Martin, S McGrory, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors R Domleo, M Grant and P Nurse

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
Chris Hudson (Principal Forestry and Arboricultural Officer)
Steven Knowles (Affordable Housing Officer)
David Malcolm (Southern Area Manager – Development Management)
Anthony Sackfield (Affordable Housing Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors G Merry, D Bebbington, P Butterill, J Clowes and A Kolker

44 DECLARATIONS OF INTEREST

With regard to application number 13/2136C, Councillor R Bailey declared that she was a member of the Campaign to Protect Rural England (CPRE), which was objecting to the application, but that she had not been contacted and had kept an open mind. In addition, as a Ward Councillor, she had participated in discussions regarding a previous application. Councillor Bailey also declared that the applicant and objectors had contacted her and that she had been present when Church Lawton Parish Council had considered the application but had not participated in the discussion.

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 13/2322N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

All Members of the Committee declared that they had received correspondence regarding application number 13/2501C.

45 MINUTES OF PREVIOUS MEETING

RESOLVED – That, subject to the deletion of the words ‘at the site itself’ in the second paragraph of minute 39, the minutes of the meeting held on 24 July 2013 be approved as a correct record and signed by the Chairman.

46 13/2529N LAKESIDE SUPERBOWL, UNIT 1, PHOENIX LEISURE PARK, DUNWOODY WAY, CREWE CW1 3AJ: CHANGE OF USE OF PART OF THE BUILDING, FROM CLASS D2 (LEISURE) TO CLASS A3 (RESTAURANTS), WITH EXTERNAL ALTERATIONS TO CREATE INDIVIDUAL GLAZED SHOPFRONTS TO THE FRONTAGE AND DOORWAYS TO THE REAR AND PROVISION OF RAMPED AND STEPPED WALKWAY TO THE NORTH OF THE BUILDING TO IMPROVE ACCESSIBILITY TO THE TOWN CENTRE FOR ALBERMARLE PROPERTY OPPORTUNITIES LLP

Note: Mr D White (objector) and Mr A Hume (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor M Grant had registered her intention to address the Committee on behalf of the Ward Councillor but arrived at the meeting during consideration of this application.

The Committee considered a report regarding the above planning application and a written update. The Southern Area Manager – Development Management also reported comments that had been received from Crewe Town Council.

RESOLVED – That consideration of this matter be DEFERRED to a future meeting of the committee, to enable officers to provide further information regarding the potential impact of the proposed development on trees and Crewe town centre, particularly cafes.

47 13/2501C LAND OFF A34 NEWCASTLE ROAD, CONGLETON, CHESHIRE: ERECTION OF UP TO 9NO. RESIDENTIAL DWELLINGS (OUTLINE) WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR ASTBURY MERE DEVELOPMENT LTD

Note: Councillor R Domleo (Ward Councillor), Town Councillor A Martin (on behalf of Congleton Town Council), Mr P Minshull (objector) and Ms J

Bailey (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection. The Southern Area Manager – Development Management also reported that the reference to the Environment Agency under the heading 'Consultations (External to Planning)' was an error.

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

The development would result in the loss of a Protected Area of Open Space contrary to the requirements of Policy RC2 of the adopted Congleton Borough Local Plan First Review 2005.

48 13/2427C LAND OFF CONGLETON RD, SMALLWOOD, SANDBACH, CHESHIRE CW11 2YH: ERECTION OF 14NO. ONE AND TWO STOREY HOMES, INCLUDING 11 AFFORDABLE UNITS FOR LOCAL NEED AND FOOTPATH LINK TO SCHOOL LANE, CONSTRUCTION OF VEHICULAR ACCESS TO HIGHWAY, CHANGE OF USE OF LAND TO A CAR PARK TO BE ALLOCATED TO SMALLWOOD PRIMARY SCHOOL AND OPEN SPACE TO BE GIFTED TO SMALLWOOD PARISH COUNCIL FOR MR ANDREW GARNETT, MCI DEVELOPMENTS, PLUS DANE GROUP AND BRIAN BRACEGIRDLE

Note: Mr D Whitney attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That authority be DELEGATED to the Planning and Place Shaping Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) the satisfactory completion of a Unilateral Undertaking to secure affordable housing and public open space
- (b) no adverse comments being received with respect to the outstanding grassland report
- (c) the following conditions:
 1. Time (Standard)
 2. Plans
 3. Materials – Details to be submitted
 4. Hours of construction
 5. Hours of piling
 6. Prior submission of a Piling Method Statement

7. Prior submission of an Environmental Management Plan
8. Prior submission of a scheme to minimise dust emissions
9. PD Removal (A to D)
10. Landscaping (Details)
11. Landscaping (Implementation)
12. Tree retention
13. Tree protection implementation
14. Arboricultural Method Statement
15. Boundary treatment
16. Breeding birds

49 12/4741N LAND AT COG TRAINING AND CONFERENCE CENTRE, CREWE ROAD, NANTWICH, CHESHIRE: APPLICATION TO ERECT 59 DWELLINGS AND ASSOCIATED WORKS AT LAND AT COG TRAINING CENTRE, CREWE ROAD, NANTWICH FOR DAVID MAJOR, STEWART MILNE HOMES NORTH WEST ENGLAND

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

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

Note: Ms T Humphreys (objector) had not registered her 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 Ms Humphreys to speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Planning and Place Shaping Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) confirmation of the Public Open Space contribution
- (b) the satisfactory completion of a Section 106 agreement to secure:
 - 18 affordable dwellings, with 11 being provided as social or affordable rent and 7 provided as a form of intermediate tenure.
 - Transfer of any rented affordable units to a Housing Association
 - Affordable homes to be let or sold to people who are in housing need and have a local connection. (The local connection criteria used in the agreement to match the Councils allocations policy.)

- Provision for a local residents management company to maintain the on-site amenity space / play area
- Primary Education Contribution of £119,309
- Contribution of £88,500 towards level crossing improvements
- Public Open Space Contribution (amount to be confirmed)
- £100,000 contribution to the design improvement schemes planned by CEC Highway Authority for the A51/A534 roundabout.

(c) the following conditions:

1. Standard 3 year time limit
2. Compliance with approved plans
3. Submission and approval of materials including surfacing materials
4. Submission of Environmental Management Plan
5. Submission and approval of contaminated land mitigation measures
6. Dust control measures
7. Piling hours to be restricted
8. Piling method Statement
9. Submission and approval of external lighting details
10. Construction Hours to be restricted
11. Bin Storage
12. Submission and approval of boundary treatment
13. Submission and approval of landscaping
14. Implementation of landscaping
15. Provision of Parking
16. Access works to be carried out prior to first occupation
17. Tree Protection
18. Implementation of Tree protection
19. Arboricultural Method Statement to be submitted and agreed
20. Special construction measures under trees
21. Surface Water runoff to mimic that of existing site
22. Submission of scheme of sustainable urban drainage
23. Submission of a Scheme to limit surface water run-off
24. Submission of a scheme to manage the risk of flooding from overland flow
25. Removal of Permitted Development Rights
26. Breeding bird survey prior to work in nesting season
27. Provision of bat and bird boxes
28. Retention of trees T20 and T25
29. Detailed suite of design plans for the proposed junction arrangement with the A534 Crewe Road to the satisfaction of the LPA.
30. Detailed suite of design plans for the internal site layout to the satisfaction of the LPA. These plans will inform the S38 Highways agreement for adoption purposes.
31. Relocation of parking bays 53 and 52

32. Submission of detail to garage elevations on plots 1 and 59

**50 12/4771C HIGHER HOUSE FARM, KNUTSFORD ROAD, CRANAGE
CW4 8EF: DEMOLITION OF EXISTING BUILDINGS AS DESCRIBED
WITHIN THE PLANNING APPLICATION SUBMISSION AND ERECTION
OF 11NO. FAMILY DWELLINGS CHANGE OF USE FROM HAULAGE
YARD TO RESIDENTIAL FOR MEREPARK DEVELOPMENTS**

Note: Councillor R Cartlidge left the meeting during consideration of this item.

Note: Ms C Payne attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management where figures for contributions were given and it was explained that for CIL regulation purposes these were necessary, related to the development and were reasonable.

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

- (a) the satisfactory completion of a S106 agreement to secure the following financial contributions towards public open space and CYPF and ongoing maintenance of the facilities:

Amenity Greenspace
Enhanced Provision: £2,905.65
Maintenance: £6,503.75

Children and Young Persons Provision
Enhanced Provision: £ 5,036.35
Maintenance: £16,417.50

- (b) the following conditions:

1. Standard
2. Amended Plans
3. Delivery of 3 affordable units (2 social / affordable rent and 1 for intermediate tenure)
4. Materials
5. Landscaping
6. Implementation of Landscaping
7. Boundary Treatment
8. Removal of Permitted Development Rights for extensions
9. Obscured glazing and removal of permitted development rights for openings
10. Contaminated Land Condition (Phase II)

11. Jodrell Bank Electromagnetic Screening Measures
12. Submission / approval and implementation of access drawings
13. Submission / approval and implementation of visibility splays
14. Provision of parking
15. Compliance with submitted noise mitigation.
16. Construction Hours restricted
17. Breeding bird survey of works are carried out within the bird nesting season
18. Details of drainage to be submitted
19. Details of pile driving
20. Surfacing Materials
21. Details of existing / proposed and finished levels

Informative: The high voltage cable to be put underground in accordance with appropriate regulations.

51 13/2136C RECTORY FARM, KNUTSFORD ROAD, CHURCH LAWTON, STOKE-ON-TRENT ST7 3EQ: OUTLINE APPLICATION FOR DEMOLITION OF HOUSE, GARAGE, BARNs AND OUTBUILDINGS, REMOVAL OF HARDSTANDING AND CONSTRUCTION OF HOUSING DEVELOPMENT FOR NORTHWEST HERITAGE

Note: Councillor R Cartlidge returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Parish Councillor B Adams (on behalf of Church Lawton Parish Council), Mr B Weatherley (on behalf of a local representative group), Mr R Yates and Honorary Alderman R Giltrap (objectors), and Mr I Pleasant and Mr Byatt (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, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management.

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

1. Standard outline
2. Submission of reserved matters
3. Approved plans including amended plans and access detail
4. Contaminated land Phase II investigation to be submitted
5. 30% Affordable Housing - Delivery of 3 affordable units (2 social / affordable rent and 1 for intermediate tenure).
6. Scheme to deliver on site Public Open Space and managed by a management company with details of future maintenance responsibilities
7. Hours of construction
8. Details of pile driving operations

9. Submission of scheme to demonstrate that floor levels of proposed buildings are set no lower than 85.0 m AOD
10. Submission of scheme to demonstrate that road levels are set no lower than 84.7 m AOD
11. Scheme to limit surface water runoff
12. Submission of scheme to manage the risk of flooding from overland flow
13. Sustainable Urban Drainage System
14. Only foul drainage to be connected to sewer
15. Retention of important trees
16. Updated Protected species survey to be submitted with any subsequent Reserved Matters applications
17. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
18. Scheme for incorporation of features into the detailed scheme for use by breeding birds
19. Archaeological developer-funded watching brief to be carried out
20. Environmental management plan including scheme for dust control to be submitted
21. Submission of scheme to upgrade to the existing footpaths fronting the site to create footpath widths of 2.0 metres
22. Submission of streetlighting scheme for Old Knutsford Road to a convenient point north of the proposed access and include for 30mph speed limit signs to the southern approach
23. Levels to be submitted with Reserved matters
24. Scale of dwellings to be limited to 2 storey dormer properties.
25. Development limited to 9 dwellings.

52 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

Note: The Southern Area Manager – Development Management read a statement submitted by Councillor A Kolker, who was unable to attend the meeting.

Note: Mr J Halstead and Mrs J Wild (objectors) and Mr I Pleasant (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 update by the Southern Area Manager – Development Management.

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

1. 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 to 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

53 13/2322N SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET, CREWE CW1 2NU: RESIDENTIAL DEVELOPMENT FOR RENEW LAND DEVELOPMENTS LTD

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

The Committee considered a report regarding the above planning application.

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

- (a) the satisfactory completion of a S106 agreement to secure:
 - £30,000 for improving the existing children’s play area and footpath off Cranborne Road, off Middlewich Street, Crewe
 - £130,155 towards primary education provision.
 - 30% of the total dwellings on site should be provided as affordable, split on the basis of 65% social or affordable rent and 35% intermediate tenure
 - an affordable housing scheme to be submitted at reserved matters stage that includes:
 - full details of the affordable housing on site

- Pepper-potting of affordable units
- Mix of houses and flats
- details of when the affordable housing is to be delivered
 - To be no later than occupation of 50% of the open market units.
- transfer any rented affordable units to a Registered Provider
- the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

(b) the following conditions:

1. Standard outline timescale
2. Standard outline
3. Approved plans
4. Construction of Access
5. Provision of 200% parking
6. Submission of a surface water regulation scheme,
7. Submission of a scheme to manage the risk of flooding from overland flow
8. Submission of infiltration tests
9. For discharges of surface water to mains sewer above the allowable rate, submission of attenuation for up to the 1% annual probability event, including allowances for climate change.
10. Submission of details of Sustainable Urban Drainage System (SuDS)
11. Submission, approval and implementation of travel plan
12. Submission, approval and implementation of scheme to minimise dust emissions arising from demolition / construction activities
13. Submission, approval and implementation of details of bin storage
14. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil
15. Submission, approval and implementation of piling method statement
16. Hours of construction shall be restricted to Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
17. Submission, approval and implementation of details of external lighting
18. Submission, approval and implementation of an acoustic assessment report detailing any measures required to mitigate the identified noise sources within the proposed development.
19. Submission, approval and implementation of an updated contaminated land Phase I report to assess the actual/potential

contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).

20. Should the updated Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out.
21. Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted. The remedial scheme in the approved Remediation Statement shall then be carried out.
22. Should remediation be required, a Site Completion Report shall be submitted
23. Detailed breeding bird survey
24. Features for use by breeding birds and bats
25. Submission and approval of materials
26. Submission and approval of cycle parking within scheme
27. Submission and approval of boundary treatment
28. Submission and approval of landscaping
29. Implementation of landscaping
30. Limit development to maximum of 84 dwellings
31. Provision of pedestrian cycle/link to Newdigate Street

54 **13/2527N LAND AT NEWTOWN, NEWTOWN ROAD, SOUND, NANTWICH, CHESHIRE, CW5 8BX: VARIATION OF APPROVED PLANS - CONDITION 2 OF APPLICATION 12/0267N FOR PAUL BRADBURY**

Note: Parish Councillor Dr P Griffiths (on behalf of Sound and District Parish Council), Mr D Lowe (on behalf of a local representative group), Mr R High (objector), and Mr R Lee (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Parish Councillor A Baldwin had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

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

1. Time (3 years)
2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of hard or soft surfacing materials
5. Prior submission of landscaping scheme
6. Implementation of approved landscaping scheme
7. Prior submission of drainage
8. Prior submission of boundary treatment
9. Obscure glazing (x2)
10. Hours of construction
11. PD removal for extensions to the East and West elevations

12. Nesting birds
13. Implementation of tree protection plan
14. Any gate, bollard, chain or other means of obstruction across the approved access should be inset by 5.5 metres from public highway
15. Visibility splays of 2 metres by 25 metres to the east and 2 metres by 35 metres to the west of the proposed access onto Newtown Road shall be provided with no obstruction within the splay above 1 metre in height.

55 13/2571N ORCHARD BARN, NEWCASTLE ROAD, BLAKELOW, CHESHIRE CW5 7ET: NEW ENTRANCE ROAD FOR THE BARN FOR MR & MRS PAUL MILLER

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Planning and Place Shaping Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to no adverse comments being received with respect to the outstanding arboricultural information

and the following conditions:

1. Standard
2. Plans
3. Surfacing Materials
4. Details of the Access Gate
5. Landscaping along eastern boundary to be submitted
6. Landscaping along eastern boundary to be implemented

56 13/2596N ORCHARD BARN, NEWCASTLE ROAD, BLAKELOW, CHESHIRE CW5 7ET: NEW DETACHED DOUBLE GARAGE BLOCK WITH INTEGRATED GARDEN STORE AND LOFT STORAGE AREA FOR MR & MRS PAUL MILLER

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

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

1. Standard
2. Plans
3. Materials to be submitted and approved in writing

57 13/2653C 7, HEATH AVENUE, SANDBACH, CHESHIRE CW11 2LD: A 1 STOREY EXTENSION TO ACCOMMODATE DISABLED PARENTS FOR A PATRICK

Note: Councillor S Corcoran (Ward Councillor) had registered his intention to address the Committee on this matter but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application.

The Southern Area Manager – Development Management reported that the application had been called in for determination by the Committee by Councillor S Corcoran, the Ward Councillor, and read a statement submitted by Councillor Corcoran.

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

1. Time; A03FP
2. Plans; A01AP
3. Materials; A03EX
4. The Extension hereby permitted shall form part of the existing residential unit and shall not be occupied as a separate unit of accommodation independent from the main dwelling house.
5. Notwithstanding details, boundary fencing to be 2m in height (not 2.2m)

**58 13/2732C 61, HASSALL ROAD, SANDBACH, CHESHIRE CW11 4HN:
TWO NON-ILLUMINATED SIGNS AT LEIGH GREEN DEVELOPMENT
FOR DAVID MAJOR, STEWART MILNE HOMES**

Note: Councillor S Corcoran (Ward Councillor) had registered his intention to address the Committee on this matter but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application and a statement submitted by Councillor Corcoran which was read out by the Southern Area Manager – Development Management.

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

1. Consent granted for a period of up to 2 years
2. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
4. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

5. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
6. No advertisement shall be sited or displayed so as to;
 - a) Endanger persons using any highway, railway, waterway, or aerodrome (civil or military);
 - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or to aid navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
7. Development shall be carried out in accordance with the approved plans

The meeting commenced at 1.00 pm and concluded at 6.33 pm

Councillor M J Weatherill (Vice-Chairman, in the Chair)

Application No: 13/2611M
Location: Rode Heath Wood, Back Lane, Eaton, Congleton, CW12 2NL
Proposal: Removal of Condition 12 of Approved Application 06/2254P to Allow Siting of 32 Timber Clad Twin Unit Caravans, Access Work and Landscaping.
Applicant: D Noad
Expiry Date: 18-Sep-2013

Date Report Prepared: 06 September 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether condition 12 on appeal reference APP/C0630/A/07/2033939 is necessary and reasonable.

REASON FOR REPORT

The application site has an area of over 1 hectare, and as such is a major application that should be determined by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a caravan site that is currently being developed within existing woodland. At present there are 9 occupied caravans on the site. A total of 55 have been approved across this and the adjacent site. The site is located within Countryside Beyond the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks to remove condition 12 from appeal reference APP/C0630/A/07/2033939 to allow all year round occupation of the caravans.

Condition 12 states, "*No caravan shall be occupied between 14th January and 1st March in any year*".

An accompanying application 13/2654M appears elsewhere on the agenda, which seeks to remove the same condition from appeal references APP/R0660/A/10/2121609 and APP/R0660/A/10/2121614 that relate to the extended part of the site.

RELEVANT HISTORY

10/3803M – Remove condition 12 on planning permission 06/2254P (appeal reference APP/C0630/A/07/2033939) – Refused 24.12.2010

10/4083M – Variation of conditions 9, 10, 12 relating to 06/2254P (appeal decision APP/C0630/A/07/2033939). The purpose of this application is to ensure one of the units can be occupied full time by a manager including during the closed season – This received a resolution of approval by the Northern Planning Committee in January 2011, however the required s106 remains unsigned, and therefore a decision has not been issued.

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

POLICIES

Local Plan Policy

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

Other material considerations

- Good Practice Guide for Tourism
- National Planning Policy Framework
- Circular 11/95 Use of Conditions in Planning Permission

CONSULTATIONS (External to Planning)

Environmental Health – Recommend that some controls are put in place to ensure that the site does not become residential site over time.

North Rode Parish Council – The Parish Council objects strongly and believe that the caravan park will be occupied on a permanent basis rather than occasional holiday occupation. The Parish Council found no convincing evidence put forward by the agent to the application to

convince us that the units will not be lived in all year round as permanent residential units. The Parish Council draws the attention of the Planning Department to the North Rode Parish Plan as part of their objections.

Eaton Parish Council – Whilst we feel that the additional six weeks opening will make little difference to the village, it is felt strongly that to lift what was a condition imposed by the Inspector at the time of the original application does make a mockery of the planning rules. Whilst we have no specific objections to the lifting of the clause we would expect that granting of this should be subject to the applicant making positive statements regarding the other conditions imposed by the Inspector which should have been met prior to any occupation - eight units are now occupied - and to date are still outstanding, e.g. passing places, bus stop as a condition of granting the year round occupation.

Jodrell Bank – No comments to make

Public Rights of Way - The development does not appear to affect a public right of way

Strategic Highways Manager - No objection to occupation during the winter months as traffic impact would not differ materially from that at other times of the year.

OTHER REPRESENTATIONS

3 letters of representation have been received objecting to the proposal on the following grounds:

- No changes since approval to justify a different approach to the Inspector
- Will result in additional traffic and sewage
- Conditions attached to original permission have not been complied with
- Site should be fully occupied before any conditions are considered for removal.

It should also be noted a petition signed by 14 local residents has been submitted objecting to the accompanying application (13/2654M) on the following grounds:

- Removal of condition 12 would result in a residential site
- A holiday park is not a place to stay permanently
- Applicant has not fulfilled Inspector's conditions

APPLICANT'S SUPPORTING INFORMATION

A supporting statement has been submitted on behalf of the applicant which concludes:

- Extending the holiday season would improve the quality of the existing holiday park without any adverse impact on the character of the surrounding area. It is therefore in accordance with Policies GC5, GC6 and RT13 of the Macclesfield Borough Local Plan, NPPF and GPGPT.
- There are clear socio-economic benefits of the proposal to extend the season which will be of direct benefit to the local economy through increased visitor spend.
- Imposing a closed period with no justification on environmental grounds is in direct contravention of national planning policy.

- It is evident from recent Appeal decisions that the Government consider additional restrictions over and above the model holiday occupancy conditions to be unnecessary and unjustified.
- Other planning authorities within the area are allowing year round holiday use. Imposing a closed period is therefore inconsistent with other rural holiday parks and disadvantages our client in the operation of his business, limiting customer demand and effectively driving the potential economic benefits away from the local economy into neighbouring districts. Approval of this application would be consistent with other recent approvals by Cheshire East Council, including Daneside Country Park and Eastwood End Caravan Park.
- Allowing the park to operate all year round will not have any adverse impact on the local amenity.
- The park is located in a sustainable location within close proximity of the public footpath network, railway station, bus services and local amenities. The site is therefore accessible from various modes of transport other than by car.

In addition, the applicants' agent has responded to the comments received in representation, which can be summarised as follows:

- Efforts are underway to regularise the non-compliance with planning conditions.
- Removal of the condition will not result in unrestricted residential use due to remaining conditions.
- 12 month holiday seasons are the norm.

OFFICER APPRAISAL

Principle of Development

The suitability of the site and the principle of the development have already been assessed by two Planning Inspectors against the policy framework outlined above, and both concluded that the site was appropriate for tourism purposes. In terms of the current application, it is necessary to examine whether there will be any significant harm to the objectives of relevant planning policy or other matters of public interest arising from the removal of the condition.

The existing permission for the change of use of land to allow the siting of 32 timber clad twin unit caravans, access and landscaping includes a set of conditions designed to prevent the caravans being occupied as a main place of residence. In addition to the condition that is the subject of this application, the appeal decision includes conditions:

- 9) *The caravans shall be occupied for holiday purposes only.*
- 10) *The caravans shall not be occupied as a person's sole or main place of residence.*
- 11) *The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.*

Potential for permanent residential accommodation

It is clear that a key concern with this application is that the removal of the condition would result in the use of the site for permanent residential accommodation. Due to its countryside location, there is a fundamental national and local policy objection to an unrestricted residential use of the site. However, it should be noted that this proposal does not seek a

permanent and unrestricted residential use, as conditions relating to the occupancy of the caravans for holiday purposes only will remain.

Within appeal decision letters in general, Inspectors do not provide specific reasons for each individual condition as the Council would when issuing a planning approval, rather they justify them in the body of their report/letter. In this case the Inspector noted, "*The Good Practice Guide includes a set of conditions designed to prevent holiday homes and caravans being occupied as a main or sole place of residence. These conditions together with a 'close season' are sufficient, in my view, to prevent the caravans being occupied as a main place of residence.*"

The condition that is the subject of this application prevents occupation of the caravans between 14th January and 1st March in any year. Such conditions are commonly referred to as seasonal occupancy conditions, as opposed to holiday occupancy conditions that restrict the use of the units to holiday purposes only. Circular 11/95: Use of Conditions in Planning Permission advises that a holiday occupancy condition is more appropriate than a seasonal occupancy condition in circumstances where holiday accommodation is acceptable, but where the provision of permanent housing would be contrary to planning policies relating to development in the countryside, as is the case with this current application. Paragraph 115 of Circular 11/95 states that seasonal occupancy conditions may be appropriate to "*prevent the permanent residential use of holiday chalets which by the character of its construction or design is unsuitable for continuous occupation.*" In this case the caravans are of a standard that would allow for all year round use if required. The Circular maintains that seasonal occupancy conditions may also be appropriate to protect the local environment, such as fragile habitats required to allow seasonal breeding or winter feeding. Such environmental circumstances do not exist in this case.

The Good Practice Guide on Planning for Tourism provides further, and more up to date, advice on seasonal and holiday occupancy conditions. Paragraph 3 of Annex B to the Good Practice Guide states that the aim of holiday occupancy conditions is "*generally to ensure that the premises are used by visitors and do not become part of the local housing stock*". Reference to seasonal occupancy conditions is made in terms of them protecting the local environment, as in Circular 11/95. Protection of important species of bird during its breeding season or when it is winter feeding, is cited as an example of when such a condition may be used.

In the Inspector's decision, the reason for the seasonal occupancy condition, in addition to the holiday occupancy conditions, is that when taken together, all the stated conditions are sufficient to prevent the caravans being occupied as a main place of residence.

The Lodges appear to provide a very high standard of accommodation, to the extent that they could lend themselves easily to use as permanent dwellings. The nature and character of the site is also something that is not typical to more traditional ideas of caravan parks / sites where you might expect to see swimming pools, play facilities for children etc. The units would also be all individually owned. In addition to this, there is the fact that the Inspector imposed the seasonal occupancy condition in 2007, and a second Inspector imposed the same condition to an extension of this site in July 2010. Both of these Inspectors had regard to the guidance within the Good Practice Guide on Planning for Tourism when coming to their decisions and imposing the conditions. This is one of the few documents that remain extant

since the publication of the Framework in 2012. As such there has not been any material change in the policy framework in this area since that time. These factors are specific to the application site, and therefore the key question is whether they are sufficient to justify the imposition of a seasonal occupancy condition in this case.

Members may also be aware of other similar caravan sites in the Borough where controlling the restriction on permanent residential accommodation of caravans has proven to be difficult. Whilst it is acknowledged that the ability of the Council to provide adequate resources to investigate and enforce against potential breaches should not influence the decision, each case must be assessed on its merits. An Inspector has examined the details of this site, and a second Inspector looked at similar details for the extended site and both came to the conclusion that a “close season” condition was necessary in this case, in addition to the holiday occupancy conditions listed in the Good Practice Guide.

Paragraph 3 of Annex B to The Good Practice Guide advises that Planning Authorities will need to frame conditions “so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants”. In this case the “close season” relates to a 6 week period between 14 January and 1 March in any year. Such a limited break can be readily enforced and is not considered to be unreasonable for either owners or occupiers.

Circular 11/95: Use of Conditions in Planning Permission lists 6 tests that all conditions should satisfy. In brief these explain that conditions should be:

- i. Necessary;
- i. relevant to planning;
- ii. relevant to the development to be permitted;
- iii. enforceable;
- iv. precise; and
- v. reasonable in all other aspects

In this case, having regard to all of the above details, it is considered that the “close season” condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence. All other tests of the circular are considered to be met.

Other material planning considerations

The proposed removal of the condition is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, residential amenity, or trees compared to the previous permission.

With regard to comments received in representation relating to previous conditions not yet being complied with, this matter is the subject of ongoing discussions with the applicant.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original Inspector during the 2007 appeal and a second Inspector in 2010 on the extended part of the site both considered a “close season” condition to be necessary. These decisions were taken having regard to the Good Practice Guide on Planning for Tourism, and

Circular 11/95, which were both as relevant then as they are today. Having regard to the specific circumstances of this case, and the details outlined above, the close season and the holiday occupancy conditions are required together to ensure that the caravans are not occupied as a main or sole place of residence. Accordingly, a recommendation of refusal is made for the following reason:

1. The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.

Application for Variation of Condition

RECOMMENDATION: Refuse for the following reasons

1. Closed season condition required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence, contrary to policies controlling development in the countryside.



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Application No: 13/2654M
Location: Rode Heath Wood, Back Lane, Eaton, Congleton, CW12 2NL
Proposal: Application to Remove Condition 3 of Previously Approved Application 09/3544M to Allow the Holiday Park to Operate All Year Round.
Applicant: David Noad
Expiry Date: 24-Sep-2013

Date Report Prepared: 06 September 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Whether condition 3 on appeal reference APP/R0660/A/10/2121614 is necessary and reasonable.

REASON FOR REPORT

The application site has an area of over 1 hectare, and as such is a major application that should be determined by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open land currently used for the grazing of animals. The appeal decision allowed the siting of 23 timber clad twin unit caravans as an extension to the site of 32 currently under construction in the adjacent woodland. The site is located within Countryside Beyond the Green Belt as identified in the MBLP.

DETAILS OF PROPOSAL

This application seeks to remove condition 3 from appeal reference APP/R0660/A/10/2121614 to allow all year round occupation of the caravans.

Condition 3 states, "*No caravan shall be occupied between 14 January and 1 March in any year*".

An accompanying application 13/2611M appears elsewhere on the agenda, which seeks to remove the same condition from appeal reference APP/C0630/A/07/2033939 that relates to the part of the site currently being developed.

RELEVANT HISTORY

10/3803M – Remove condition 12 on planning permission 06/2254P (appeal reference APP/C0630/A/07/2033939) – Refused 24.12.2010

10/4083M – Variation of conditions 9, 10, 12 relating to 06/2254P (appeal decision APP/C0630/A/07/2033939). The purpose of this application is to ensure one of the units can be occupied full time by a manager including during the closed season – This received a resolution of approval by the Northern Planning Committee in January 2011, however the required s106 remains unsigned, and therefore a decision has not been issued.

09/3544M - Change of use of land to allow the siting of 23 timber clad twin unit caravans – Not determined, Appeal allowed 12.07.2010 (Costs awarded against the Council)

09/1509M – Change of use of land to allow the siting of 23 timber clad twin unit caravans - Refused 14.08.2009, Appeal allowed 12.07.2010 (Costs awarded against the Council)

08/2729P - Creation of temporary access (in location of existing field access) to allow delivery of static caravans, and erection of boundary fence and gates - Approved with conditions 26/03/09

08/2291P - Variation of conditions 5 (lighting), 7 (ecology) and 21 (drainage) on application 06/2254P (pre-commencement conditions) to allow works to commence on the internal road only, in accordance with the badger licence granted by Natural England - Withdrawn 18.11.2008

06/2254P - Change of use of land to site 32 timber-clad twin-unit caravans, alterations to access and landscaping - Refused 06.11.2006, Appeal allowed 03.12.2007 (Costs awarded against the Council)

POLICIES

Local Plan Policy

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

Other material considerations

- Good Practice Guide for Tourism
- National Planning Policy Framework
- Circular 11/95 Use of Conditions in Planning Permission

CONSULTATIONS (External to Planning)

Environmental Health – Recommend that some controls are put in place to ensure that the site does not become residential site over time.

North Rode Parish Council – The Parish Council objects strongly and believe that the caravan park will be occupied on a permanent basis rather than occasional holiday occupation. The Parish Council found no convincing evidence put forward by the agent to the application to

convince us that the units will not be lived in all year round as permanent residential units. The Parish Council draws the attention of the Planning Department to the North Rode Parish Plan as part of their objections.

Eaton Parish Council – Whilst we feel that the additional six weeks opening will make little difference to the village, it is felt strongly that to lift what was a condition imposed by the Inspector at the time of the original application does make a mockery of the planning rules. Whilst we have no specific objections to the lifting of the clause we would expect that granting of this should be subject to the applicant making positive statements regarding the other conditions imposed by the Inspector which should have been met prior to any occupation - eight units are now occupied - and to date are still outstanding, e.g. passing places, bus stop as a condition of granting the year round occupation.

Jodrell Bank – No comments to make

Environment Agency – No comments to make

Public Rights of Way - The development does not appear to affect a public right of way

Strategic Highways Manager - No objections to the site operating all year round subject to the conditions from the previous application being adhered to.

OTHER REPRESENTATIONS

1 letter of representation and a petition signed by 14 local residents have been received objecting to the proposal on the following grounds:

- No changes since approval to justify a different approach to the Inspector
- Will result in additional traffic and sewage
- Conditions attached to original permission have not been complied with
- Removal of condition 12 would result in a residential site
- A holiday park is not a place to stay permanently

APPLICANT'S SUPPORTING INFORMATION

A supporting statement has been submitted on behalf of the applicant which concludes:

- Extending the holiday season would improve the quality of the existing holiday park without any adverse impact on the character of the surrounding area. It is therefore in accordance with Policies GC5, GC6 and RT13 of the Macclesfield Borough Local Plan, NPPF and GPGPT.
- There are clear socio-economic benefits of the proposal to extend the season which will be of direct benefit to the local economy through increased visitor spend.
- Imposing a closed period with no justification on environmental grounds is in direct contravention of national planning policy.
- It is evident from recent Appeal decisions that the Government consider additional restrictions over and above the model holiday occupancy conditions to be unnecessary and unjustified.
- Other planning authorities within the area are allowing year round holiday use. Imposing a closed period is therefore inconsistent with other rural holiday parks and disadvantages our client in the operation of his business, limiting customer demand

and effectively driving the potential economic benefits away from the local economy into neighbouring districts. Approval of this application would be consistent with other recent approvals by Cheshire East Council, including Daneside Country Park and Eastwood End Caravan Park.

- Allowing the park to operate all year round will not have any adverse impact on the local amenity.
- The park is located in a sustainable location within close proximity of the public footpath network, railway station, bus services and local amenities. The site is therefore accessible from various modes of transport other than by car.

In addition, the applicants' agent has responded to the comments received in representation, which can be summarised as follows:

- Efforts are underway to regularise the non-compliance with planning conditions.
- Removal of the condition will not result in unrestricted residential use due to remaining conditions.
- 12 month holiday seasons are the norm.

OFFICER APPRAISAL

Principle of Development

The suitability of the site and the principle of the development have already been assessed by two Planning Inspectors against the policy framework outlined above, and both concluded that the site was appropriate for tourism purposes. In terms of the current application, it is necessary to examine whether there will be any significant harm to the objectives of relevant planning policy or other matters of public interest arising from the removal of the condition.

The existing permission for the change of use of land to allow the siting of 23 timber clad twin unit caravans includes a set of conditions designed to prevent the caravans being occupied as a main place of residence. In addition to the condition that is the subject of this application, the appeal decision includes the following condition:

- 2) *The caravans shall be occupied for holiday purposes only. The caravans shall not be occupied as a person's sole or main place of residence; the owner/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.*

Potential for permanent residential accommodation

It is clear that a key concern with this application is that the removal of the condition would result in the use of the site for permanent residential accommodation. Due to its countryside location, there is a fundamental national and local policy objection to an unrestricted residential use of the site. However, it should be noted that this proposal does not seek a permanent and unrestricted residential use, as conditions relating to the occupancy of the caravans for holiday purposes only will remain.

Within appeal decision letters in general, Inspectors do not provide specific reasons for each individual condition as the Council would when issuing a planning approval, rather they justify them in the body of their report/letter. In this case the Inspector noted, *"I have also imposed a condition requiring a 'close season'". The previous Inspector considered such a condition to*

be necessary to establish the appropriate degree of restriction of use for the caravans in combination with the condition referred to above [holiday occupancy condition]. The 'close season' condition has not been formally challenged by the appellants and there has been no material change in circumstances in the interim. I also consider a similar condition is necessary in these cases."

The Inspector during the appeal in 2007 on the adjacent site stated, *"The Good Practice Guide includes a set of conditions designed to prevent holiday homes and caravans being occupied as a main or sole place of residence. These conditions together with a 'close season' are sufficient, in my view, to prevent the caravans being occupied as a main place of residence."*

The condition that is the subject of this application prevents occupation of the caravans between 14th January and 1st March in any year. Such conditions are commonly referred to as seasonal occupancy conditions, as opposed to holiday occupancy conditions that restrict the use of the units to holiday purposes only. Circular 11/95: Use of Conditions in Planning Permission advises that a holiday occupancy condition is more appropriate than a seasonal occupancy condition in circumstances where holiday accommodation is acceptable, but where the provision of permanent housing would be contrary to planning policies relating to development in the countryside, as is the case with this current application. Paragraph 115 of Circular 11/95 states that seasonal occupancy conditions may be appropriate to *"prevent the permanent residential use of holiday chalets which by the character of its construction or design is unsuitable for continuous occupation."* In this case the caravans are of a standard that would allow for all year round use if required. The Circular maintains that seasonal occupancy conditions may also be appropriate to protect the local environment, such as fragile habitats required to allow seasonal breeding or winter feeding. Such environmental circumstances do not exist in this case.

The Good Practice Guide on Planning for Tourism provides further, and more up to date, advice on seasonal and holiday occupancy conditions. Paragraph 3 of Annex B to the Good Practice Guide states that the aim of holiday occupancy conditions is *"generally to ensure that the premises are used by visitors and do not become part of the local housing stock"*. Reference to seasonal occupancy conditions is made in terms of them protecting the local environment, as in Circular 11/95. Protection of important species of bird during its breeding season or when it is winter feeding, is cited as an example of when such a condition may be used.

The Inspector's reasoning for the close season condition in this case refers to the Inspector's comments in the original appeal, which considered that such a condition was necessary to establish the appropriate degree of restriction of use for the caravans in combination with the holiday occupancy conditions. The original Inspector considered that when taken together, all the stated conditions are sufficient to prevent the caravans being occupied as a main place of residence. The second Inspector considered a similar condition was also necessary in these cases.

The Lodges appear to provide a very high standard of accommodation, to the extent that they could lend themselves easily to use as permanent dwellings. The nature and character of the site is also something that is not typical to more traditional ideas of caravan parks / sites where you might expect to see swimming pools, play facilities for children etc. The units

would also be all individually owned. In addition to this, there is the fact that the Inspector imposed the seasonal occupancy condition in 2007, and a second Inspector imposed the same condition to an extension of this site in July 2010. Both of these Inspectors had regard to the guidance within the Good Practice Guide on Planning for Tourism when coming to their decisions and imposing the conditions. This is one of the few documents that remain extant since the publication of the Framework in 2012. As such there has not been any material change in the policy framework in this area since that time. These factors are specific to the application site, and therefore the key question is whether they are sufficient to justify the imposition of a seasonal occupancy condition in this case.

Members may also be aware of other similar caravan sites in the Borough where controlling the restriction on permanent residential accommodation of caravans has proven to be difficult. Whilst it is acknowledged that the ability of the Council to provide adequate resources to investigate and enforce against potential breaches should not influence the decision, each case must be assessed on its merits. An Inspector has examined the details of this site, and a second Inspector looked at similar details for the extended site and both came to the conclusion that a “close season” condition was necessary in this case, in addition to the holiday occupancy conditions listed in the Good Practice Guide.

Paragraph 3 of Annex B to The Good Practice Guide advises that Planning Authorities will need to frame conditions “*so that they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants*”. In this case the “close season” relates to a 6 week period between 14 January and 1 March in any year. Such a limited break can be readily enforced and is not considered to be unreasonable for either owners or occupiers.

Circular 11/95: Use of Conditions in Planning Permission lists 6 tests that all conditions should satisfy. In brief these explain that conditions should be:

- i. Necessary;
- i. relevant to planning;
- ii. relevant to the development to be permitted;
- iii. enforceable;
- iv. precise; and
- v. reasonable in all other aspects

In this case, having regard to all of the above details, it is considered that the “close season” condition is necessary in addition to the holiday occupancy conditions. This combination of conditions is considered to provide the most effective and appropriate safeguard to ensuring that the caravans are not occupied as a main or sole place of residence. All other tests of the circular are considered to be met.

Other material planning considerations

The proposed removal of the condition is not considered to have any significantly greater impact upon the character and appearance of the countryside, highway safety, residential amenity, or trees compared to the previous permission.

With regard to comments received in representation relating to previous conditions not yet being complied with, this matter is the subject of ongoing discussions with the applicant.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original Inspector during the 2007 appeal and a second Inspector in 2010 on the extended part of the site both considered a “close season” condition to be necessary. These decisions were taken having regard to the Good Practice Guide on Planning for Tourism, and Circular 11/95, which were both as relevant then as they are today. Having regard to the specific circumstances of this case, and the details outlined above, the close season and the holiday occupancy conditions are required together to ensure that the caravans are not occupied as a main or sole place of residence. Accordingly, a recommendation of refusal is made for the following reason:

1. The close season condition is required in conjunction with holiday occupancy conditions to prevent caravans being occupied as a main place of residence. In the absence of this condition the proposal would be contrary to policy GC5 of the Macclesfield Borough Local Plan 2004 and the National Planning Policy Framework.



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Application No: 13/2529N

Location: Lakeside Superbowl, Unit 1, Phoenix Leisure Park, DUNWOODY WAY, CREWE, CW1 3AJ

Proposal: Change of Use of Part of the Building, from Class D2 (Leisure) to Class A3 (Restaurants), with External Alterations to Create Individual Glazed Shopfronts to the Frontage and Doorways to the Rear and Provision of Ramped and Stepped Walkway to the North of the Building to Improve Accessibility to the Town Centre.

Applicant: Albermarle Property Opportunities LLP

Expiry Date: 29-Aug-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of the development
- Design, Siting and Scale
- Appearance
- Amenity
- Highways

REASON FOR REFERRAL

This application was deferred by Committee on 21st August 2013. Members required further information on the impact on the town centre and the loss of trees on the ramped walkway.

The application was called in to Committee by Councillor Irene Faseyi on the following grounds:

- *Loss of leisure facilities for a lot of users. Cheshire East is encouraging people to exercise more and for the elderly to be outdoors exercising and the change of use from a bowling alley to more room for cinema and cafes negates this.*
- *I have received a petition signed by 435 people, 50 hand written letters and several emails from the users of the bowling alley facility who have expressed their dismay and anxiety at the proposed change of use.*
- *Many users are clients with special needs and students/pupils from various schools who need exercise to avoid obesity.*
- *Closure of the bowling alley will deprive the local community of a great facility.*

DESCRIPTION AND SITE CONTEXT

The application relates to an existing bowling alley adjacent to a cinema, bingo hall and restaurants on the Phoenix Leisure Park, which was granted planning permission in 2004 (P03/0965). There is dedicated parking at the site which is designated as being within the settlement boundary of Crewe and within Crewe Town Centre.

DETAILS OF PROPOSAL

The proposal is for the change of use of part of the building, from Class D2 (Leisure) to Class A3 (Restaurants), with external alterations to create individual glazed shopfronts to the frontage and doorways to the rear and the improvement of ramped and stepped walkway to the north of the building to improve accessibility to the town centre.

To the rear of the building, four additional auditoria would be created; these have been the subject of an application for a Certificate of Lawfulness for a Proposed Use (13/2503N). **A positive certificate has been issued which states that both cinemas and bowling facilities fall within Use Class D2, therefore an application for change of use is not required.**

RELEVANT HISTORY

13/2503N 2013 Positive certificate for use Class D2 (Cinema)

P03/0965 2004 Approval for mixed use leisure development comprising a terrace housing a bowling alley, cinema and bingo hall, and two free standing buildings housing a restaurant in one and a late bar/restaurant in the other.

POLICIES

National Guidance

National Planning Policy Framework

Local Plan

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

CF.3 – Community Facilities

RT.15 – Indoor Leisure Facilities

S.1 – New Retail Development in Town Centres

CONSIDERATIONS (External to Planning)

Environmental Health:

Recommend a condition relating to noise during construction.

Highways:

The Strategic Highways Manager previously recommended refusal of this application on parking provision however subsequent discussions with the agent for the applicant have clarified details with regard to permitted uses and cross-use of parking and the integration of the different use-classes on site.

As a result of these negotiations the Strategic Highways Manager now withdraws his concern and has no further objection to the proposal as the combination of uses is confirmed to work appropriately with the amount of parking available.

The S.H.M. now has no objection to the proposal.

VIEWS OF TOWN/PARISH COUNCIL

The Town Council has not commented on the application at the time of report writing. They have however commented on the Certificate of Lawfulness application and expressed concerns about the loss of this community facility.

OTHER REPRESENTATIONS

At the time of report writing, approximately 30 representations have been received from members of the public, employees of the facility and a representative of the operators of the bowling facility. In addition a petition, signed by a large number of people has been submitted. The objectors express the following concerns:

- Loss of an important leisure and community facility for the town
- Loss of a facility regularly used by people with special needs, families, teenagers and children
- Loss of a facility used by Crewe Youth Bowling Club which has produced several England and County bowlers
- Bowling provides a form of exercise which additional cinema screens would not
- Loss of a party venue
- Loss of employment
- Restriction of the range of leisure facilities in Crewe
- There is no demonstrable need for additional cinema screens or restaurant facilities
- There are numerous other sites in Crewe that could house additional restaurant facilities
- This is a well used, safe and popular facility
- People would have to travel to Stoke in order to bowl
- There are no other suitable alternative premises in Crewe
- Impact on the vitality and viability of the town centre
- Non-compliance with Policies RT15 and CF3 relating to the loss of community facilities
- Poor design of the steps and ramp
- The developer should provide funds for the enhancement of public transport
- Lack of a revised transport plan

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the **town centre** of Crewe and is on an existing leisure Park. Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

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

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

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

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

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

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

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

The element of the building to be used as cinema screens has been the subject of a Certificate of Proposed Lawful Use, which has determined that a planning application for change of use would **not** be required. This is because a bowling alley and a cinema fall into the same use class. The principle of this has therefore been established.

The creation of the three A3 (restaurant) units is therefore what remains to be assessed in accordance with the relevant policies in the local plan and the requirements of the NPPF. Policy S.1 (New Retail Development in Town Centres), states that new retail development will be permitted within Crewe and Nantwich town centres.

Policy CF.3 requires that *‘proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.’* The justification for this policy specifically refers to this policy relating to rural areas, where community facilities are limited.

Policy RT.15 requires that *‘Development proposals which would result in the loss of indoor leisure facilities will not be permitted unless it can be shown that there would be no significant adverse impact on the range of opportunities available to local residents. Developers must demonstrate, through an independent assessment, that the facilities are surplus to requirements.’*

In the event that redevelopment is shown to be avoidable, a replacement facility must be provided, at least as accessible to current and potential users, and equivalent (or better) in terms of size, usefulness, attractiveness and quality.’

Given that the part of the building that would house the additional cinema screens falls within the same use class as the bowling alley, it would not be reasonable to refuse the application on these grounds. That leaves the impact of the change of use to retail and restaurant to be assessed in the context of this application.

The applicants are not obliged to retain the bowling alley and could use the whole building as cinema screens without requiring the consent of the Local Planning Authority. Therefore it is appropriate to assess whether the additional restaurant space would have an adverse impact on the functions that this leisure park provides.

The A3 units are considered to be small scale in relation to the leisure park as a whole and would complement the cinema and bingo hall functions. In addition A3 uses are considered to be acceptable in town centre areas.

Members previously deferred the application as they were concerned about the impact of the development on the town centre and were concerned that a sequential assessment had not been undertaken. However; given that this is a site **within** the town centre of Crewe, as defined by the proposals map to the Replacement Crewe and Nantwich local Plan 2011, it would not be reasonable or necessary to require the applicant to undertake an assessment of the impact of the development.

Having regard to the issues discussed above, the development is considered to be acceptable in principle.

Design and Scale

The alterations to the front and rear elevations are minimal and are considered to be in keeping with the character and appearance of the building and the leisure park as a whole. They involve the insertion of glazed facades with the retention of the existing brick piers which would be acceptable in design terms.

The proposal is therefore considered to be acceptable in terms of design and scale and in compliance with Policy BE.2 of the adopted local plan.

Amenity

Policy BE.1 requires that new development should be compatible with surrounding land uses, should not prejudice residential amenity, generate unacceptable levels of traffic or lead to an increase in pollution.

This is an existing leisure park, which has residential properties to the north and Environmental Protection has requested a condition requiring a restriction on the hours of construction. It is considered to be reasonable to impose a condition to secure this.

Subject to this condition the proposal is considered to be acceptable in terms of amenity and is therefore in compliance with Policy BE.1 (amenity) of the adopted local plan.

Highways

The Strategic Highways Manager has expressed concerns relating to the parking provision in relation to the new uses at the site. As previously stated, the use as a cinema does not require consent and a refusal on these grounds could not be justified. The additional restaurant and retail units could change the parking requirements at the site and as such an assessment of this has been requested and an update will be provided prior to the Committee making a decision on this application.

The application includes improvements to pedestrian access to the site and this is to be welcomed as it will improve connectivity at the site.

Subject to a satisfactory assessment relating to parking provision at the site, the proposal is considered to be acceptable and in compliance with Policy BE.3 of the adopted Local Plan.

Landscape

The improvements to pedestrian access to the site appear to necessitate the removal of three Lime trees. These are considered to make a positive contribution to the landscaped setting of the leisure park. As such a justification for their removal and mitigation measures has been submitted. This is outlined below.

The Trees were assessed in accordance with British Standard 5837:2012 –Trees in Relation to Design, Demolition and Construction and the assessment concluded that the trees in question are young and fall within the ‘low quality’ Category C. It is not considered that the trees are suitable for transplanting and that they should be replaced with similar specimens in

a location near to the proposed ramp. The replacements proposed are two Manna Ash and one London Plane, which are species considered to be more suitable for planting adjacent to car parking and footpaths.

In conclusion, it is considered that the removal and replacement of the trees would not have any significant adverse impact on the character and appearance of the area and that the improvements to access to the primary shopping areas of Crewe would represent a benefit to the community. Therefore the proposal is considered to be acceptable in landscape terms.

Other Matters

The amount of opposition to the proposal has been given careful consideration and it is understandable that users and employees of the bowling alley wish to see it remain open. However; given that the whole building could be used as a cinema, without the need for planning permission a refusal on these grounds could not be sustained. In addition, it is not the remit of the Local Planning Authority to dictate how the landlord chooses to operate their business when there is no requirement to apply for planning permission.

CONCLUSIONS AND REASONS FOR THE DECISION

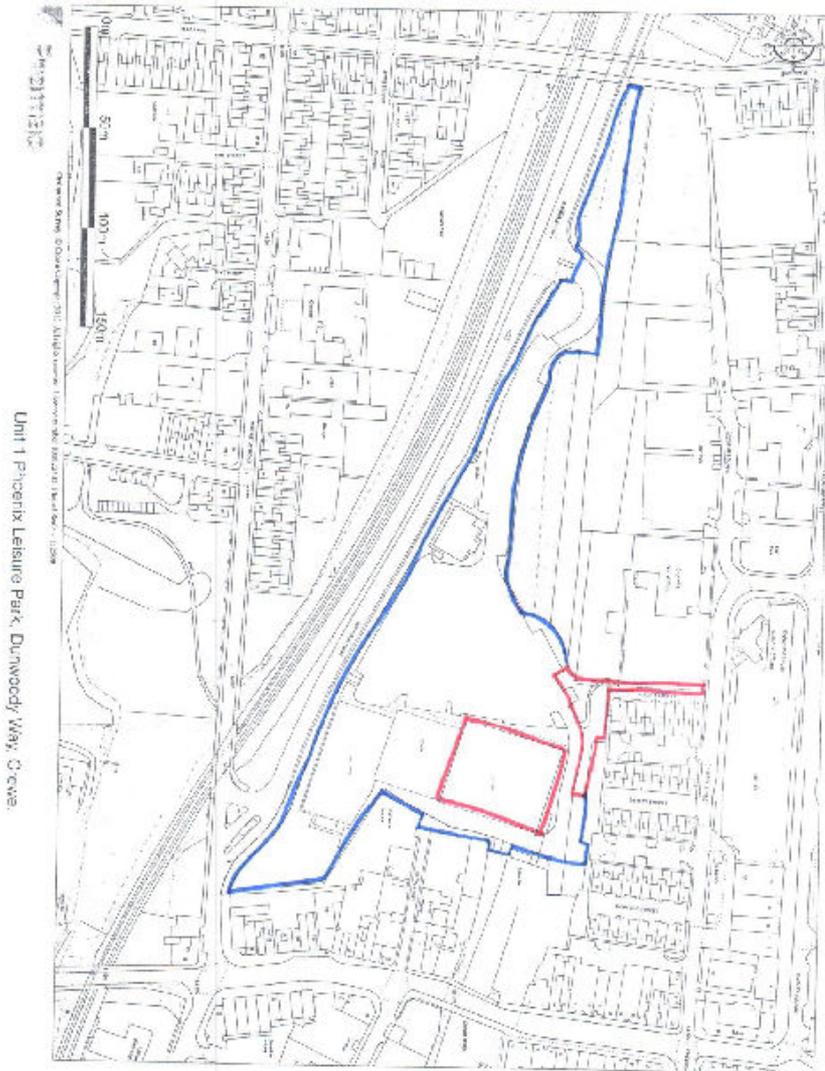
In conclusion, the proposal is acceptable in principle, of an appropriate scale and design; it would not have a significant adverse impact on the character and appearance of the area or residential amenity and is satisfactory in highway safety terms.

The application is therefore recommended for approval.

RECOMMENDATION:

Approve subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials as stated in the application
4. Hours of construction/demolition restricted to 8am to 6pm Monday to Friday, 9am to 2pm Saturday, with no working on Sundays and Public Holidays



Application No: 13/1573N

Location: Huntsbank Business Park, Crewe Road, Wistaston, Crewe, CW2 6QT

Proposal: Demolition of Existing Warehouse / Showroom and Adjoining Single-Storey Brick Office Structure forming Unit 1. New Build Extension to Adjacent Industrial Buildings to Provide Two New Units to Replace Unit 1.

Applicant: W M Ewington, W M Ewington & Co Ltd

Expiry Date: 11-Jun-2013

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

Principle of Development
Design Considerations
Parking, Highway Safety and Traffic Generation
Impact on Residential Amenity
Impact on Trees

REFERRAL

This application has been called in for determination by the Southern Planning Committee by Cllr Margaret Simon for the following reason:

“Inappropriate use of a unit on a small business park which is primarily used for industrial employment and which has minimal retail activity”.

1. SITE DESCRIPTION

This application relates to Unit 1 on Huntsbank Business Park, Crewe Road, Wistaston. The Unit is currently in use as an A1 Retail Tile Showroom with an associated warehouse. The unit is set back from Crewe Road and is adjoined to the rear by other commercial units and offices which form the remaining part of the Huntsbank Business Park.

Whilst the surrounding area is predominantly residential, the site sits in-between a Telephone Exchange and Huntsbank Farm. To the rear of the business park, there are open agricultural

fields. The site falls within the settlement boundary as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. DETAILS OF PROPOSAL

Full planning permission is sought to demolish Unit 1 comprising of the existing Tile warehouse / showroom and to replace it with 2 new units with increased parking and rationalisation of the site access arrangements. The proposed 2 new units would offer 807 square metres floorspace.

3. RELEVANT PLANNING HISTORY

P02/1017 - Change of Use of Showroom to A1 Retail – Refused 09-Jan-2003

P03/0250 – Certificate of Lawfulness for Use of Unit 1 as Class A1 Retail – Granted 26-Jun-2003

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
TRAN.3 Pedestrians
TRAN.8 Existing Car Parks
TRAN.9 Car Parking Standards
S.10 Major Shopping Proposals

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions relating to hours of construction / use, floor floating, details of external lighting, the acoustic enclosures of fans / compressors and contaminated land.

Highways

No objection - It is considered that the potential impacts of the development in terms of highway access cannot be regarded as “severe” within the context of the National Planning Policy Framework (NPPF).

Environment Agency

No objection

6. VIEWS OF THE WISTASTON PARISH COUNCIL

Object on the following grounds:

- 1) The junction already has traffic problems and many minor accidents (which are unreported). The extra volume of traffic to the new premises would exacerbate this problem.
- 1) At the crossroads junction of Crewe Road with Church Lane and roads into village of Willaston, traffic queues e.g. buses and lorries to join the main road. This would be exacerbated by the extra volume of traffic.
- 2) Congestion hotspot because of vehicles accessing from Huntsbank Business park, Nursery, allotments and residents driveways amid above will add to congestion.
- 3) Adjoining residential property, 354 Crewe Road, will suffer from noise due to increased use and out of hours traffic. Delivery traffic will reverse and unload alongside 354 Crewe Road.
- 4) A reversing lorry could hit the wall where very young children at the neighbouring nursery play on the other.

7. OTHER REPRESENTATIONS

Letters have been received from 59 addresses objecting to this proposal on the following grounds:

- Proposal would introduce marked change in the use of the site
- Increased traffic congestion
- Increased road accidents. Crewe Road is an accident black spot
- Danger to pedestrians and cyclists and children at neighbouring nursery
- Many major junctions within 100 metre of the site
- There are already too many convenience stores in the area
- Would impact on existing stores in Willaston, Wistaston and Wells Green
- Displacement of parking onto the highway
- Hours of opening should be restricted
- Potentially large delivery vehicles
- Potential noise and light pollution early in the morning and late at night
- Potential litter and anti-social behaviour if alcohol were to be sold

8. OFFICER APPRAISAL

Main Issues

The main issues to consider in determining this application is; the suitability of the site for retail use (both non-food and food), the impact that the proposals would have on the character and appearance of the area, highways and parking and neighbouring amenity.

Principle of Development

The application proposes a new A1 Food Retail unit of 430 square metres floor area, and the redevelopment of an existing unit to provide 377 square metres floor area of A1 Non Food Retail. The proposed uses would serve to partially replace a Tile Showroom and warehouse which comprises of approximately 459 square metres floor area.

The site is located within the settlement boundary for Crewe where there is a presumption in favour of new development. Policy S10 deals with shopping proposals and sets out a number of criteria which must be met for “major” developments, which the plan defines as those exceeding 2,500 sq.m, situated in out of centre locations.

This proposal is for the addition of only 348 sq.m of additional A1 retail floor space and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan covers the period to 2011 and the policies have been saved. As a result the proposal is in accordance with the up-to-date development plan.

Notwithstanding this point, even in cases where the proposal is not in accordance with the development plan, the NPPF (para 26) states that a full impact assessment is only required for proposals in excess of 2,500sq.m or where there is likely to be a significant impact on an existing centre. The proposal represents a very small increase in floorspace in addition to the current retail showroom and warehouse uses. The proposal is for 2 small units and therefore any impact cannot be considered to be “significant”.

The scale of the retail use would be limited within the confines of the existing building and the use is therefore not of a scale which is considered to cause threat to the vitality of nearby villages or towns – namely Crewe or Nantwich. However, to ensure that future retail at the site remains appropriate, it is considered reasonable to prevent future removal of the partition or subdivision and to limit the quantum of food retail use.

It is also important to note that the proposal will facilitate economic growth and will also create jobs both in the 2 units and in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Character and Design

The proposed units would replace the existing building forming Unit 1 which gable fronted and has some asymmetrical addition spanning off at an angle to the rear of the main showroom. The building is clad predominantly in profile sheeting and is of no great architectural merit.

This proposal would introduce a wider structure but would consequently be set further back from Crewe Road. In terms of massing, the proposed building would be broken up with the units staggered and one lower in height than the other. The general massing and scale would reflect that which is already in place on the site as viewed from Crewe Road.

In terms of architectural detail, the frontage would be predominantly glazed and would be broken up with metal cladding and a lower course of facing brick. In visual terms, it is considered that the proposed building would improve the visual appearance of the Crewe Road frontage and the Huntsbank Business Park. Overall, it is considered that the proposal complies with policy BE.2 (Design Standards) and advice advocated within National Planning Policy Framework.

Parking, Highway Safety and Traffic Generation

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

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

During the consultation period, the Strategic Highways Manager objected to this proposal on the grounds that the proposal would provide insufficient parking, and concerns relating to the proposed site access arrangements. Since then, comprehensive discussions have taken place between the local authority and the applicant. Amendments have been made to the in and out access arrangements to the site additional parking so that 30 spaces are provided instead of the 20 originally proposed.

The Strategic Highways Manager considers that the provision of 30 spaces is sufficient to accommodate the combined demand of a 2 units proposed if they were to be used as “convenience” food store and a non-food retail unit. This represents an increase from the 20 spaces that were originally proposed within the supporting Transport Statement. The additional parking has been created from a reorganisation of the proposed layout and the creation of space to the rear of the proposed store. Whilst this provision does not fully accord with the recommended Cheshire East standards for both food and non-food retail (circa 50), it is considered to be sufficient for the purpose of accommodating the peak demands of a “convenience” food store, where customer turnover is high and periods of occupation (therefore parking accumulation) are lower than would be expected at a larger food store.

The In / Out access arrangement with Crewe Road have been swapped, such that access will now be concentrated at the southern end of the site, further away from the Church Lane junction, therefore reducing turning conflicts on Crewe Road. Egress from the site will be

conducted from the northern end of the site. It is considered that this arrangement also reduces the potential for conflict with the adjacent telephone exchange site. With respect to visibility, the identified visibility splays can be accommodated and are acceptable.

With respect to concerns identified regarding road traffic accidents nearby, the applicant's highway consultant has provided additional information with regard to personal injury accidents within the vicinity of the site entrance for the preceding three years. The data shows that there is no significant existing issue regarding collisions that may be further exacerbated by the intensification of activity at this site. As such there is no clear argument that the proposal will lead to greater highway safety concerns.

The NPPF is explicit in respect of assessing highway matters as part of proposed developments. Paragraph 32 states that:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**.'*

Taking into account the above, the highway impacts arising from the development would not be 'severe' and therefore it is considered that the proposal is in accordance with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards) of the Local Plan.

Impact on Residential Amenity

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

It is not considered that the proposal would have materially greater impact than the present authorised uses at the site, which comprise of A1, B1, B2 and B8. This proposal would result in the provision of A1 Retail only. It is not considered that the nature of the proposed use will adversely impact on residential amenity of neighbouring occupiers. Whilst Unit 1 has no planning controls over the hours of opening or use, there is likely to be a greater turnover of vehicles which may have the potential to impact on neighbours if the units were to be open at unsociable hours. Also, there will be additional floorspace. It is recommended therefore that hours operation are conditioned.

In terms of built development, the proposed building would achieve adequate separation with the nearest neighbours so as to ensure that no material harm results in respect of loss of light, visual intrusion or increased direct overlooking. As such, the scheme is deemed to be compliant with local plan policy BE.1.

Trees

There are trees to south west of site on Crewe Road frontage that are protected by a Tree Preservation Order. The Council's Tree Officer has confirmed that these trees should not be directly affected by development provided that there is appropriate tree protection. This should be secured by condition.

10. REASONS FOR APPROVAL

Owing to the limited size and scale of the proposal, and the present authorised retail floorspace, the proposal will not have a significant detrimental impact on the vitality and viability of nearby town centres and is therefore deemed to be acceptable in principle.

It is considered that there is sufficient space within the application site for the development to site comfortably in the area without causing harm to the character and appearance of the streetscene or the amenities of nearby residents. The proposal would result in the removal of an unattractive building and would improve the general appearance of the site and the area.

The proposed development can be satisfactorily accessed without significant harm to highway safety and as amended, adequate parking provision will be provided. The proposal is in compliance with the NPPF and relevant Local Plan Policies and is therefore recommended for approval.

11. RECOMMENDATION

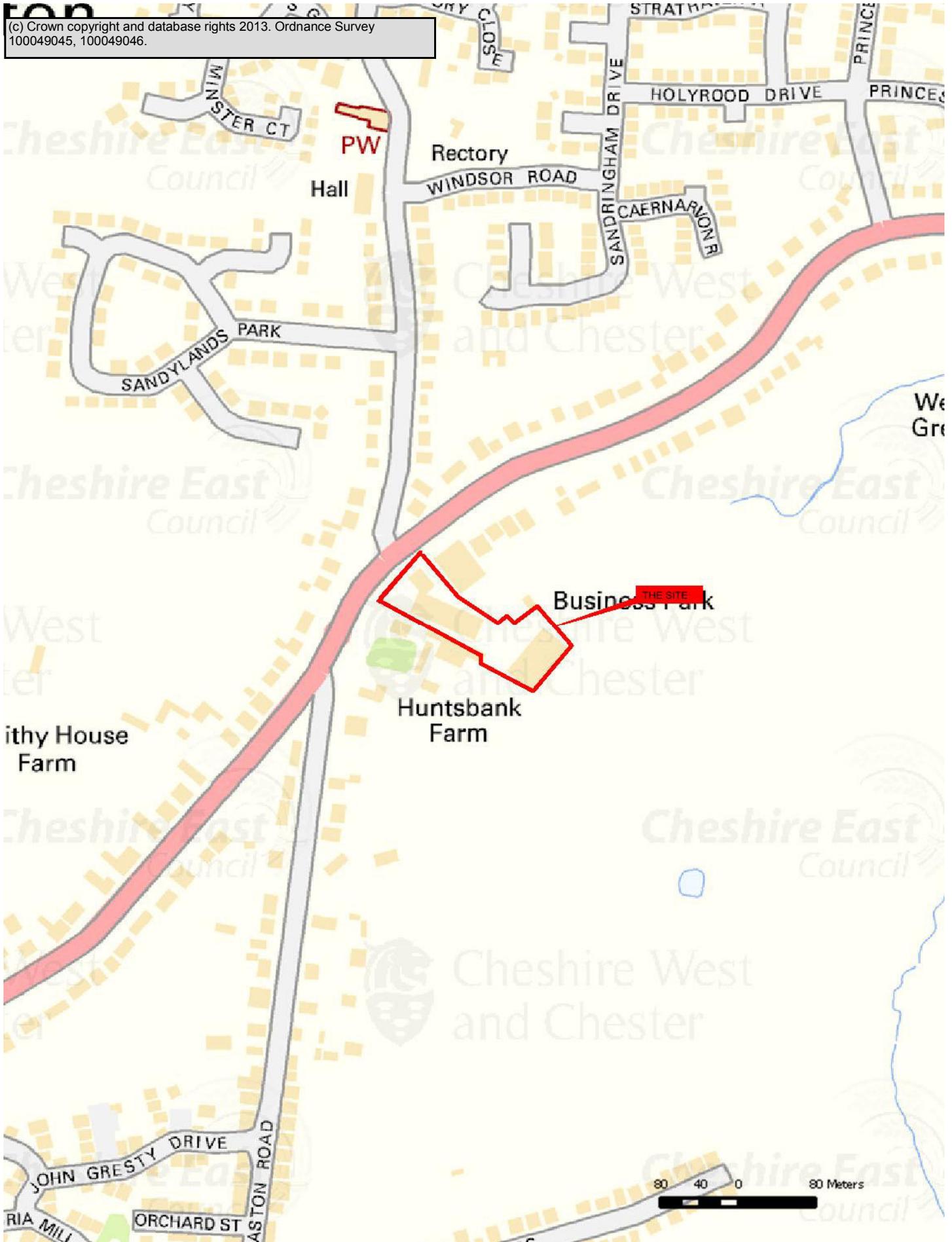
(A) APPROVE subject to the following conditions:

- 1. Standard 3 year time limit**
- 2. Approved Plans**
- 3. Details of Materials to be submitted and approved in writing**
- 4. Details of any external lighting to be submitted and approved in writing**
- 5. Details of bin storage areas to be submitted and approved in writing**
- 6. Opening hours to be between 0700 to 2200 hours**
- 7. Deliveries to be to between 0700 to 1900 hours**
- 8. Restrict Food Retail Floor Space to maximum of 377 sq m**
- 9. Restrict the Use and goods sold in Unit 1b to Non-food**
- 10. No subdivision of the units**
- 11. Access to be formed in accordance with the approved plans**
- 12. Car parking and turning areas to be constructed and made available prior to the units being occupied**
- 13. Contaminated Land Report**
- 14. Pile foundations**
- 15. Noise Control – Hours of Construction**
- 16. Floor Floating method statement to be submitted**
- 17. Acoustic Enclosure of fans and compressors**
- 18. Tree Protection Condition**
- 19. Details of Boundary Treatments to be submitted**

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



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Application No: 13/1607C

Location: Spark Lane Farm, CONGLETON ROAD, ARCLID, CW11 2UJ

Proposal: Conversion of Existing Barn Structures, Demolition of Redundant Structures and New Build Construction to form 8no Dwellings.

Applicant: Keith Radcliffe

Expiry Date: 16-Jul-2013

**SUMMARY RECOMMENDATION
REFUSE**

MAIN ISSUES

**Principal of the Development
Planning Policy and Housing Land Supply
Landscape and Trees
Affordable Housing
Highway Implications
Amenity
Ecology
Draft Heads of Terms**

**Design
Ecology
Open Space**

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Congleton Borough Local Plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of 6326sqm containing a farmhouse, barn, outbuildings, agricultural sheds and hard standing. There are currently two access points to the site, one adjacent to the farmhouse and one further along Spark Lane. There is a large pond to the rear of the site. The site has not been used as an active farm for in excess of five years. It now operates as a dairy related haulage company and a pallet manufacturing business. The dairy related business is to be wound down over the next 12 months and the pallet business is to relocate.

It is situated on the south eastern side of Spark Lane (A534) and is designated as being within the Open Countryside in the adopted local plan.

DETAILS OF PROPOSAL

The application is for full planning permission for the demolition of all existing buildings except the barn and stables, which are to be extended and the erection of 5 dwellings and the conversion of the existing barn and stables to three dwellings.

The barn would be converted to one 3 bed dwelling and one 4 bed dwelling, the stables to the rear of the farmhouse would be retained and extended to form a 4 bed dwelling and there would be 5 new build dwellings (two 4 bed and three 2 bed).

The existing pond to the rear of the site would be significantly reduced in size.

RELEVANT HISTORY

29620/3 1998 Approval for change of use to dairy related haulage firm.

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and low cost housing

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

CONSULTATIONS (External to Planning)

United Utilities:

None received at the time of report writing.

Strategic Highways Manager:

This application is for 8 dwellings off an adoptable standard access on a rural primary route network road where national speed limit is in force (60mph). The proposal is supported by a traffic statement from a private highway consultancy.

The proposed development does not offer appropriate design in the following areas:

- Visibility splays – despite a speed survey showing approach speeds to be commensurate to a 50 mph visibility category under DMRB the required standards can not be achieved in the leading direction. This is crucial to safe turning movements. It is not considered that Manual for Streets 2 is appropriate to be applied to this site.
- The site offers no viable sustainable links. Local facilities are very limited and there are no pedestrian footways.
- The proposed trip rates are low for a site located in this environment and it is not considered that they represent the likely trip rates from this rural location. Traffic generation will move to a focus on peak traffic flow hours which will increase the likelihood of junction conflict.
- There are bus services passing the site however the nearest bus stop is almost twice the minimum walking distance from the site and there are no footway links.
- Parking is offered at levels which are claimed will: ‘minimise displacement of parking’. Displacement of any kind onto the A534 is not acceptable in this traffic environment.
- The proposed layout suggests links to land beyond which may see future application for increased numbers which would not be acceptable for access via this sub-standard junction.

The Strategic Highways Manager recommends refusal of this development proposal on the grounds of highway safety.

Environmental Health:

Recommend that conditions are imposed relating to the hours of construction and contaminated land.

Jodrell Bank:

Recommend that specialist screening measures are used in the development to protect the work undertaken by the observatory.

VIEWS OF THE TOWN COUNCIL

Smallwood Parish Council object to the application as it would intrude into the open countryside and also have concerns about access to the site in terms of highway safety.

OTHER REPRESENTATIONS

One objection has been received relating to this application. It expresses concern about traffic accessing a very fast flowing road and setting a precedent for future residential development in the vicinity.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design & Access Statement
- Planning Statement
- Ecological Survey
- Bat and Bird Survey
- Arboricultural Implications Assessment
- Affordable Housing Statement
- Employment Statement
- Sustainability Statement
- Tree Survey

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal of Development

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

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"

Housing Land Supply

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

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

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

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

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

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer

is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies H6 and PS8 which protect Open Countryside are not out of date.. These policies also have a dual function one of which is to protect the countryside for its own intrinsic value, which is considered to be in compliance with the NPPF.

Emerging Policy

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 is a material consideration; it directs additional housing in Sandbach, which is the nearest town, to two strategic sites: Land adjacent to Junction 17 of the M6 and the former Albion Chemicals site.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing; it is considered that a prematurity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.

- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

The applicant has put forward the argument that this is a brownfield site as it has consent for 'Dairy related haulage in connection with wholesale farm products.' This is correct for a small portion of the site but not where the new development is proposed.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant's assessment of the accessibility of the site shows that fails to meet 14 of the criteria listed, which demonstrates a significant failure in terms of sustainability.

The Sustainability Statement puts forward the argument that the site is in close proximity to a bus stop (643m). However there is no footpath on the majority of the road leading to the bus stop and this is a very busy road which has a speed limit of 60mph. As such it is not considered realistic to expect any future residents to use this mode of transport.

Landscape and Trees

Following discussions with the applicant, updated tree survey information has been submitted and the application is now supported by a Tree Survey and Arboricultural Implications Assessment (AIS). However; during the discussions it was made clear that in order to assess the impact of the development on trees, from the partial infilling of the pond, plans showing proposed levels would be required. These have not been submitted.

The proposal would involve the removal of several trees from the site in order to accommodate the development; however the trees in question are not considered to be of significant public amenity value.

Affordable Housing

As this proposal is in a rural area that has a population of fewer than 3,000 and the site is larger than 0.2ha or has more than 3 dwellings on it there is a requirement for affordable housing to be provided as per the Interim Planning Statement: Affordable Housing (IPS).

The site lies in the Smallwood Parish close to the boundaries with Brereton and Arclid Parishes. Smallwood is located in the Congleton Rural sub-area in the Strategic Housing Market Assessment 2010. The SHMA identified a need for 10 new affordable units per year in the Congleton Rural sub-area, made up of a need for 1 x 1 bed, 2 x 2 beds, 3 x 3 beds, 3 x 4/5 beds and 1 x 1/2 bed older persons units.

In addition to this information there are also 6 applicants on the housing register who have selected Smallwood as their first choice, the breakdown of the number of bedrooms these require are 3 x 2 bed and 3 x 3 bed.

Although there is an identified need for affordable housing in this area it is considered that it is unacceptable as the site is not in a sustainable location.

Highways Implications

It is not considered that a development of this size would lead to significant traffic generation.

The access would be taken from Spark Lane (A534), which at this point has a 60mph speed limit. The Strategic Highways Manager (SHM) has assessed the submitted Transport Statement and has concluded that adequate visibility cannot be achieved in the leading direction of the access. The proposal is therefore contrary to Policy GR9 of the adopted local plan and the NPPF.

Amenity

In terms of residential amenity, due to the siting of the proposed dwellings, there would be no adverse impact on existing properties. Having regard to the future occupiers of the proposed dwellings they would have acceptable separation distances and adequate, useable residential amenity space.

The Environmental Health Officer has requested a condition in relation to noise during construction and land contamination. These conditions should be attached to the planning permission if the application is approved.

Design & Layout

The application proposes the conversion of the existing barn and stables, the replacement of the existing farmhouse and the erection of 4 further dwellings. The new build elements would be constructed of traditional brick with tiled roofs. It is accepted that the design of the buildings would have elements that reflect the rural character of the site; however the creation of what would effectively appear as a suburban cul-de-sac, would not be appropriate in this isolated rural location.

The conversion of the building referred to as The Stables, includes a significant extension to this existing rural building. Policy BH15 states that the conversion of rural buildings is not acceptable when it involves extensive alteration, rebuilding or extension. This element of the proposal is therefore not acceptable as it is contrary to Policy BH15.

The conversion of the barns would not involve any significant alterations, rebuilding or extension. As such this element of the proposal is considered to be acceptable.

The replacement of the existing farmhouse is considered to be of an acceptable design and also acceptable in principle.

Ecology

Great Crested Newts, Water Voles and Badgers are unlikely to be present or affected by the proposed development.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the barn. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts within the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole. The works would however pose the risk of killing or injuring any bats present when works were completed.

The submitted report recommends the installation of bat boxes on site as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) No satisfactory alternative and

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

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

Local Plan Policy NR2 (Protected Species) states that development will not be permitted which would have an adverse impact on protected species or their habitats, unless mitigation / habitat creation is secured.

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

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

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

In this case the Council’s Ecologist has assessed the application and relevant supporting ecological documentation and raises no objection to the proposed development. In terms of Bats, Great Crested Newts, Water Voles and Badgers, a minor bat roost was recorded within the barn but the Council’s Ecologist is satisfied that the development is unlikely to have a significant impact upon this protected species.

Having regard to the above it is concluded that the proposal would have an acceptable impact on nature conservation interests and would comply with Local Plan policy NR2 (Protected Species) and the Framework.

If planning consent is granted standard conditions should be imposed to safeguard breeding birds.

CONCLUSIONS

The site is within the Open Countryside. Under Policies PS8 and H6 there is a presumption against new residential development which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years. Therefore, the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

The site is considered to be in an unsustainable location due to the distances to local services and the lack of a footpath to access the few services that are available, such as the bus stop and the petrol station shop. Given that the road is a primary route between Sandbach and Congleton and has a speed limit of 50mph, it would be extremely dangerous for pedestrians to use.

Overall harm would be caused in terms of the impact on the open countryside which should be protected for its own sake. As a result the proposal is considered to be unsustainable and contrary to Policies PS8 and H6 of the local plan and the provisions of the NPPF in this regard.

The access to the development would not provide the required standard of visibility splay in the leading direction, which would compromise highway safety.

RECOMMENDATION

REFUSE for the following reasons:

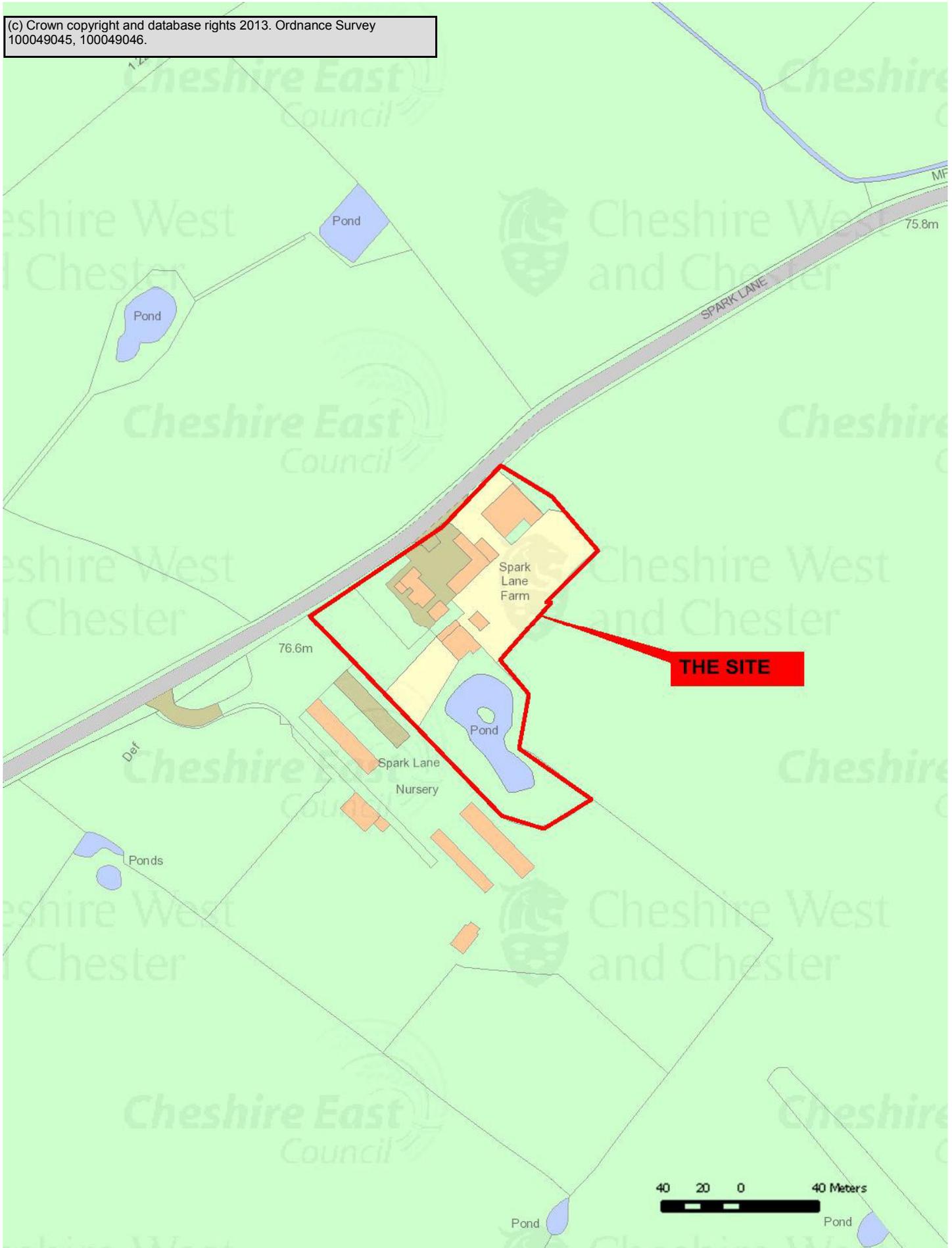
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005, there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Visibility at the proposed access to the site from the A534 Spark Lane, is substandard and would result in an unacceptable impact in terms of road safety, contrary to Policy GR9 of the adopted Congleton Borough Local**

Plan First Review 2005 and the provisions of the National Planning Policy Framework.

- 3. The proposed development, by virtue of its isolated location and dangerous walking environment along Spark Lane (A534), due to the lack of pavement on both sides of this 50 and 60 miles per hour speed limit road, would be car dependant and thereby comprises unsustainable development contrary to the National Planning Policy Framework.**
- 4. The proposed conversion of the building referred to as The Stables, would involve significant extension of the building. As a result the proposal does not comply with the requirements of Policy BH15 of the adopted Congleton Borough Local Plan First Review 2005, which, inter-alia, states that the conversion of rural buildings will only be allowed if the building is permanent and substantial and would not require extensive alteration, rebuilding or extension.**
- 5. Insufficient information has been submitted with the application relating to changes in levels in order to assess adequately the impact of the proposed development having regard to trees to be retained on the site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to Planning and Place Shaping Manager, in consultation with the Chair (or in his absence the Vice Chair of [Southern Planning Committee]), to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 13/2553N
Location: 285, NANTWICH ROAD, CREWE, CHESHIRE, CW2 6PF
Proposal: Change of Use from a Large Six Bedroomed Residential Home to a Residential House of Multiple Occupancy housing 8 Tenants.
Applicant: Miss Stephanie James, James Holdridge Properties
Expiry Date: 12-Sep-2013

SUMMARY RECOMMENDATION – Approve with conditions**MAIN ISSUES**

- Principle of use
- Impact

REASON FOR REFERRAL

The application was called in by Councillor Sherratt, as the Chairman of the Crewe Town Council has commented, on the following grounds:

“The objection is that there is no fire escape or fire doors. No provision for waste disposal and it claims there are 8 parking spaces but none are marked. This is an area where the alley ways are gated”.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a large vacant residential house. The house is of a traditional Victorian style and is located on the northern side of Nantwich Road, Crewe.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for change of use from a house to a residential house with 8 bedsit flats (C4). There would be 2 bedsits, a kitchen and a communal dining room and a bathroom/WC on the ground floor; and 4 bedrooms, a bathroom/WC and a separate WC on the first floor and 2 bedrooms on the second floor

RELEVANT HISTORY

P08/0928 – Single storey extension to enlarge kitchen/dining – Approved 22nd September 2008.

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 – Amenity

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

CONSULTATIONS (External to Planning)

Private Sector Housing

Facilities should accord with the Housing Act 2004 and the HMO regulations 2006 as a mandatory license will be required.

Strategic Highways Manager:

None received at the time of report writing.

Environmental Health

Recommend conditions relating to hours of construction, noise, lighting, bin storage and advisory notes in respect of building regulations and contamination.

VIEWS OF THE TOWN COUNCIL

The Town Council have expressed concerns about lack of safety provision, no specific refuse provision and the only access to car parking via the gated alleyway.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principal of Development

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. Nantwich Road is a predominantly shopping/commercial area to the east but is typified by large 3 storey terraced residences to the south at this point.

Policy RES.9 allows for the conversion of buildings to houses of multiple occupation provided that the building is large enough to provide satisfactory living conditions, without the need for extensions that would conflict with Policies BE.1 and BE.2, the external appearance would be acceptable, there is no adverse impact on residential amenity and parking can be safely accommodated.

It is considered that the proposal would comply with the requirements of Policy RES.9 and the NPPF and therefore the proposal is considered to be acceptable in principle.

Design

There are no alterations proposed to the external elevations as the building is being purely refurbished and converted internally. The room sizes meet minimum accepted standards.

Amenity

Having regard to future residents of the properties, they would need to have acceptable living conditions and the majority of the issues that have been raised in consultation are covered by other legislation. Bin storage has also been raised as an issue. The applicants have not submitted details of bin storage, but have provided a statement that a further wheelie bin for household waste and another for recycling would be provided and there is an accessible yard to the rear of the property, in which this could be accommodated.

Parking and Highway Safety

The Strategic Highways Manager has not commented at the time of report writing. However, this is considered to be a sustainable location, with easy access to shops, services, buses and trains. As such the proposal is considered to be in compliance with Policy BE.3 (Highways).

Other matters

The issue of fire exits, bathing and toilet facilities and kitchen facilities have also been raised by the Town Council in relation to this application. It should be noted that these issues are dealt with under Building Regulations and Housing legislation and not Planning and the applicants have confirmed that they intend seek and comply with the appropriate licenses. It is therefore not proposed to condition issues relating to construction, building regulations, lighting or contamination.

CONCLUSIONS AND REASONS FOR THE DECISION

The proposed change of use is located within the Crewe settlement boundary and would involve no external alteration of the building. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues and brings back into use a vacant property. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design

Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

RECOMMENDATION

Approve subject to the following conditions:

1. Time limit
2. Approved plans
3. Submission of details of bin storage
4. Scheme of parking

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Application No: 13/2613C

Location: Wedding Bliss, Old Church Hall, Vicarage Lane, Elworth, Sandbach, CW11 3BW

Proposal: Demolition of Existing Building and Change of Use to Erect 4 no Residential Dwellings

Applicant: C Wright, Forward Property Group

Expiry Date: 19-Aug-2013

SUMMARY RECOMMENDATION

Approve; subject to conditions

MAIN ISSUES

- Principle of development
- Design, layout, form & character
- Residential Amenity
- Highway implications
- Landscape and forestry issues

REASON FOR REFERRAL

This application has been called-in to planning committee by Cllr Merry for assessment by Members of the Southern Planning Committee due to the loss of the existing business unit on site.

DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of a former church hall that is currently used as a retail unit for 'Wedding Bliss' with associated hard standing for a parking area. The application site is situated within the Sandbach Settlement Zone Line as identified within the proposals map.

DETAILS OF PROPOSAL

This is a full planning application that seeks to remove the existing building on site and to replace with four residential properties.

RELEVANT HISTORY

None relevant

POLICIES

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity and Health
GR9	Accessibility, Servicing & Parking Provision
GR17	Car Parking
GR22	Open Space Provision
BH4	Effect of Proposals
H1	Provision of new housing development
H2	Provision of new housing development
H4	Residential development in towns

Other Material Considerations

Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Developments

National Planning Policy Framework

Pre-application advice letter regarding the development issued on the 27 March 2013.

CONSULTATIONS (External to Planning)

United Utilities: No objections, advice letter issued

Highways: No objections to the proposal

Environmental Health: No objections subject to conditions relating to pile driving and dust control. A contaminated land investigation and risk assessment should also be submitted to and approved by the LPA.

VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council: No objections to the proposal, however recognise that the proposal would result in the loss of a business which is regrettable.

OTHER REPRESENTATIONS

14 letters of objection have been received to date. The objections have been summarised below, however can be viewed on file.

- Loss of a business
- Loss of employment
- Out of character with the area in terms of layout, scale, design and form

- 2 storey properties would be better than 2.5 storey
- Bungalows would be more in keeping with the area
- Loss of light, privacy and overbearing impact of the development
- Insufficient parking provided for development and during the construction phase
- Impact upon the amenities of neighbours, specifically No.36 and the neighbouring nursery

A petition was also submitted objecting to the proposal.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted as part of the application

OFFICER APPRAISAL

Principle of Development

The application site is comprised of a former church hall building located within the Settlement Zone of Sandbach. The proposal seeks to remove the existing building on site and to replace it with 4 two storey dwellings.

As the site is located within the Settlement Zone of Sandbach, the principle of residential development is acceptable, subject to other considerations such as highways, visual impact and impact upon the amenity of nearby residents.

Policy H4 permits residential development on land not allocated for such purposes provided that the site is not allocated or committed for any other purpose.

In general, the principle of residential dwellings on the site is acceptable.

Design, Layout, Character of the Area

The character of the area is considered to be mixed, properties on Vicarage Lane are comprised of both modern and traditional properties, detached, semi-detached and dormer bungalow style. A modern housing estate lies to the north west of the site on Vicarage Gardens.

The application site forms a prominent corner location within the area with clear views provided from Vicarage Lane. The layout of the proposed dwellings respects the linear form of Vicarage Lane, mirroring the building line of the existing properties in the area, and is therefore considered to be in keeping with the character of the area.

House type E would be positioned facing onto Vicarage Gardens, with gable feature and bay windows. The side gable elevation facing on to Vicarage Lane would also provide a bay window, and lintel detailing to ground and first floor. The property would stand at 8.3m in height which is considered to be in keeping with the adjacent dwellings to the north of the site on Vicarage Lane that are approximately 8m in height.

House types D and C are of similar design, with gable frontages onto Vicarage Lane. Properties C differ in form due to a large footprint providing a lean-to single storey extension to the rear. Each dwelling would provide accommodation over three floors, and would measure 8.9m in height. The proposal includes the reduction of ground levels within the site by approximately 0.3m, acting to reduce the visual impact of the properties within the streetscene.

Each property proposes parking and access off Vicarage Lane. The existing mature hedge that surrounds the site would be removed in order to accommodate the development. Whilst the loss of the hedge is regrettable, it is considered that a good quality landscape scheme could improve the appearance of the site in the context of the area.

All of the proposed properties would be fabricated in brick with clay tiles and UPVc doors and windows, which is considered to be acceptable.

Whilst it is recognised that the proposed dwellings would replace a single storey structure on site, it is not considered that the scale of the proposed development would be out of keeping with the mixed character of the area.

Precise details of the scheme relating facing materials, hard and soft surfacing, landscaping and boundary treatment could be secured through appropriate conditions.

Amenity

According to SPG2: *'Provision of Open Space in New Residential Developments'* a separation distance of 21.3m between principal elevations, 10.7m between rear elevations and plot boundaries, and 4.6m between habitable windows and side boundaries of plots is required in order to achieve an adequate standard of privacy and amenity between dwellings. The siting of the proposed dwellings ensures that a minimum distance of 27m is retained between the properties and dwellings opposite on Vicarage Lane.

Objections have been received from No.36 Vicarage Gardens to the west of the site, however each property is set in excess of the 10.7m required by the SPD. The proposed development would not cause a loss of privacy to this property, or its rear amenity space. The adequate privacy distance in place would prevent the development from being overbearing when viewed from No.36.

The dwelling to the north of the site is positioned 20.5m from the site, with side gable facing on to the development. It is considered that the proposal would not adversely affect the amenity of this property.

Nyehome Nursery lies adjacent to the site and is currently in use. The proposed development should not adversely affect the amenities of this business, and the use is compatible in a residential area.

It is considered necessary to remove Permitted Development rights for extensions to the properties in order to retain adequate privacy distances between the properties and existing dwellings.

Each property would have adequate rear gardens ranging from between 87sqm to 116sqm, therefore complying with the guidance of SPG2.

Whilst a number of objections have been received regarding the development it is considered that the layout would prevent any impact to the amenities of neighbours. Environmental Health has not raised any objections with regards to the development.

Highways

Access points to each property would be created off Vicarage Lane, with parking provided for two vehicles on site. A number of letters of objection received relate to insufficient parking being provided on site. The Strategic Highways Manager has viewed the proposal and considers the scheme to be acceptable, subject to the applicant entering into a Section 184 Agreement with the Highways Authority for the accesses crossing an existing highway verge.

The proposed development is not considered to result in any adverse impact upon the existing highway network.

Other Matters

A large number of objections to the development relate to the loss of the existing business use on site. The application site is situated within the Sandbach Settlement Zone Line as defined within the proposals map, and is not allocated as employment land. The agent has provided details that the existing tenant (Wedding Bliss) does not benefit from a lease, and as such could be asked to leave the premises at any time. Whilst it is understandable that the tenant and their employees would like to see the premises remain open, it is not within the remit of the Local Planning Authority to dictate how the landlord chooses to run the site. The principle of residential development within a residential area is acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed residential development is considered to be acceptable in principle, of suitable layout and design, would not adversely impact upon the amenities of neighbouring residents or the wider highway network. The proposal would comply with all relevant policies within the Local Plan, and the wider guidance within the National Planning Policy Framework. As such, the application is recommended for approval, subject to conditions.

Approve subject to following conditions:-

- 1) Standard time limit**
- 2) In accordance with approved plans**
- 3) Facing and roofing materials to be submitted to and approved by the LPA**
- 4) Details of ground levels to be submitted**
- 5) Landscaping scheme including boundary treatment to be submitted and approved**
- 6) Implementation of landscaping scheme**
- 7) Removal of Permitted Development Rights, Part 1 Classes A-C**

- 8) Pile driving operations restricted to Monday – Friday 9am to 5.30pm, Saturday 9am – 1pm and not at all on Sundays & Bank Holidays**
- 9) Submission of a construction method statement for pile driving**
- 10) Dust emissions scheme submitted to and approved by the LPA**
- 11) Contamination investigation and risk assessment to be submitted to and approved by the LPA.**

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Application No: 13/2637N

Location: Land North East of OAK FARM, HEATLEY LANE, BROOMHALL, CHESHIRE, CW5 8AH

Proposal: Erection of 2 No. Poultry Buildings, Link Control Room, 4 No. Feed Bins and Associated Hardstanding and Access Road (resubmission of 13/0662N)

Applicant: Andrew Hollins

Expiry Date: 23-Sep-2013

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Principle of Development;
- Design of the Building and impact on Openness;
- Residential Amenity;
- Highways Access and Servicing.

REASON FOR REFERRAL

The application is to be determined by Southern Planning Committee due to the size of the site, in line with the scheme of delegation.

DESCRIPTION OF SITE AND CONTEXT

The application site is located in Sound, Nantwich and is identified as an area of Open Countryside within the Local Plan. The site itself is a parcel of land of approximately 112 acres formerly associated with Oak Farm, and has the benefit of an agriculturally tied bungalow.

The site is divided by hedgerows with mature belts of trees to the north and east, with only limited views available from public vantage points of Whitchurch Road, Mickley Hall Lane and French Lane.

The site would be access via a newly formed access off Mickley Hall Lane to the south of the application site.

DETAILS OF PROPOSAL

The application seeks planning permission for the construction of two poultry buildings, control room, four feed bins, hard standing and access track. The buildings would house 32 000 free range laying hens.

The proposed buildings would be connected via the control room and would measure 76m by 44m with a height of 5.7m in total.

RELEVANT HISTORY

13/0662N Erection of 2 No. poultry buildings, link control room, 4 No. feed bins and associated hard standing and access road.

Withdrawn as protected species survey required.

7/15249 Agricultural workers dwelling
Approved March 1988

POLICIES

Local Plan Policy

Crewe and Nantwich Replacement Local Plan 2011

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species.

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

Other Material Considerations

National Planning Policy Framework

Pre-application advice letter issued on the 29 November 2012.

CONSULTATIONS (External to Planning)

Environment Agency: No objections to the principle, however request that only clean water is allowed near the surface watercourse.

Highways: No objections

Environmental Health:

No objections subject to conditions requiring a waste management plan, and a restriction on the hours of operation between 8am and 6pm.

VIEWS OF THE PARISH / TOWN COUNCIL

Sound Parish Council: Support the application & offer the following comments;

- Concerns over the traffic emerging onto Heatley Lane due to poor visibility
- Question whether the access road adjacent to Sound School could be used instead
- The PROW within the site should be maintained at all times

OTHER REPRESENTATIONS

One letter of objection has been received to date. A summary of the objection has been provided below, however the full document can be viewed online

- Entrance is busy with poor visibility
- Impact upon high levels of traffic in the area
- Speed restriction in the area is not adhered to

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement was submitted as part of the application that can be viewed on file.

OFFICER APPRAISAL

Principle of Development

The site lies within an area of Open Countryside where there is a presumption against inappropriate development. The construction of new buildings within the Open Countryside is inappropriate unless it is for the following purpose;

'Only development which is essential for the purposes of agriculture, forestry or outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'.

The proposed development falls within the definition of agriculture as defined within section 336 of the Town and Country Planning Act 1990 (as amended). Policy NE.2 states that that agricultural development is considered an appropriate use within a rural area. The National Planning Policy Framework supports this view. Policy NE.14 allows for new agricultural buildings subject to a number of requirements, including that the building is required for agriculture. In essence, the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Local Plan.

Design of Building and Impact upon the countryside

The building would be sited approximately 300m into the site, single storey measuring 5.8m in height. The footprint of the building would be just over 3300sqm, and whilst the building would be large, the scale of the unit is typical of a modern poultry unit.

The building would be of typical agricultural appearance, clad entirely in plastic coated profiled steel, finished in an olive green colour (juniper green). Four feed silos would be located on concrete adjacent to the building, with hard standing area for parking and turning. An existing access track within the site would be extended in order to provide access from Mickley Hall Lane. The extension to the track would be fabricated in crushed stone and concrete, typical to the rural character of the area.

The proposed poultry sheds would be situated within a natural hollow within the site, acting to reduce the visual impact of the development within the character of the area. The site itself is surrounded by mature hedging reducing the visual impact of the proposal further. The agent has agreed that any gaps in the existing hedging would be improved should the development be approved, which can be guaranteed via condition.

The proposed building will be seen within the area, with limited views available from public vantage points, however it would be in keeping as an agricultural function within the rural area. An appropriate landscaping scheme that would act to improve the existing hedgerow surrounding the site would reduce the visual impact of the proposal further. As such, The visual impact of the building is considered to be acceptable.

Residential Amenity

The unit will be managed with the birds housed in 'deep litter' with ventilation system that does not attract flies or result in odour problems. Dust from the production will be controlled via the ventilation system within the building, in line with European Union guidance. Calculations submitted by the applicant suggest that dust would not fall beyond 100m of the building, therefore no impact would be felt to the nearest residential property 450m away. It is of merit to note that the Environmental Health department have viewed the proposal and raise no objections to the proposal. The applicant states that manure would be removed from the building twice weekly and would be used as fertiliser by a neighbouring farmer. A Waste Management Plan would be requested via condition in order to ensure the safe removal of waste.

With regard to visual impact, privacy and overshadowing, the building is sited in excess of 450m from the site. Located to the north is a farmstead, to the east and south open fields, and to the west lie residential properties as the topography of the land rises. The existing hedgerow surrounding the site, twinned with the siting of the building well into the site would provide benefits in the form of screening.

The egg unit is designed in order to prevent adverse environmental consequences, and would not result in harm to the privacy of neighbouring dwellings. As such the proposal would comply with BE.1 (Amenity) within the Local Plan.

Highways

The site will be accessed from Mickley Hall Lane about 180m east of its junction with Healey Lane. Mickley Hall Lane is a narrow but straight road that is subject to the national speed limit.

The proposal would produce relatively light traffic movements of approximately 10 HGV movements per week, plus a small amount of traffic from lighter vehicles. The Strategic Highways Manager has viewed the proposal and does not consider this to be a significant increase in vehicles movements.

The proposed access would provide sufficient visibility splays which have been deemed acceptable by the Strategic Highways Manger.

The proposal is considered to have an acceptable impact upon the existing highway.

Ecology

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 (Protected Species) states that development would not be permitted which would have an adverse impact upon protected species, or where it would affect a species are of shelter or breeding.

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

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

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

In this case the survey submitted with the application indicates that the proposed development is unlikely to have adverse impacts upon the newts present in ponds adjacent to the application site. The likely phase of the development that is likely to impact upon the species would be if it were to cross the site during the construction phase of the development. To mitigate this risk the applicant's ecologist has recommended the implementation of a suite of Reasonable Avoidance Measures including the timing and supervision of the works and the erection of temporary amphibian fencing. These measures may require a Natural England licence to enable them to be undertaken legitimately.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- **the development is of overriding public interest,**
- **there are no suitable alternatives and**
- **the favourable conservation status of the species will be maintained.**

As the development is an agricultural business for UK production and the protected species on site would not be adversely affected by the development, it is considered that the tests would be met.

The proposed mitigation measures will be adequate to maintain the favourable conservation status of great crested newts, provided the development is completed in accordance with the mitigation measures within the Great Crested Newt Survey report (2013) prepared by CES Ecology unless varied by a subsequent Natural England license. This would also address any potential impact upon the Common Toad also found in close proximity of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

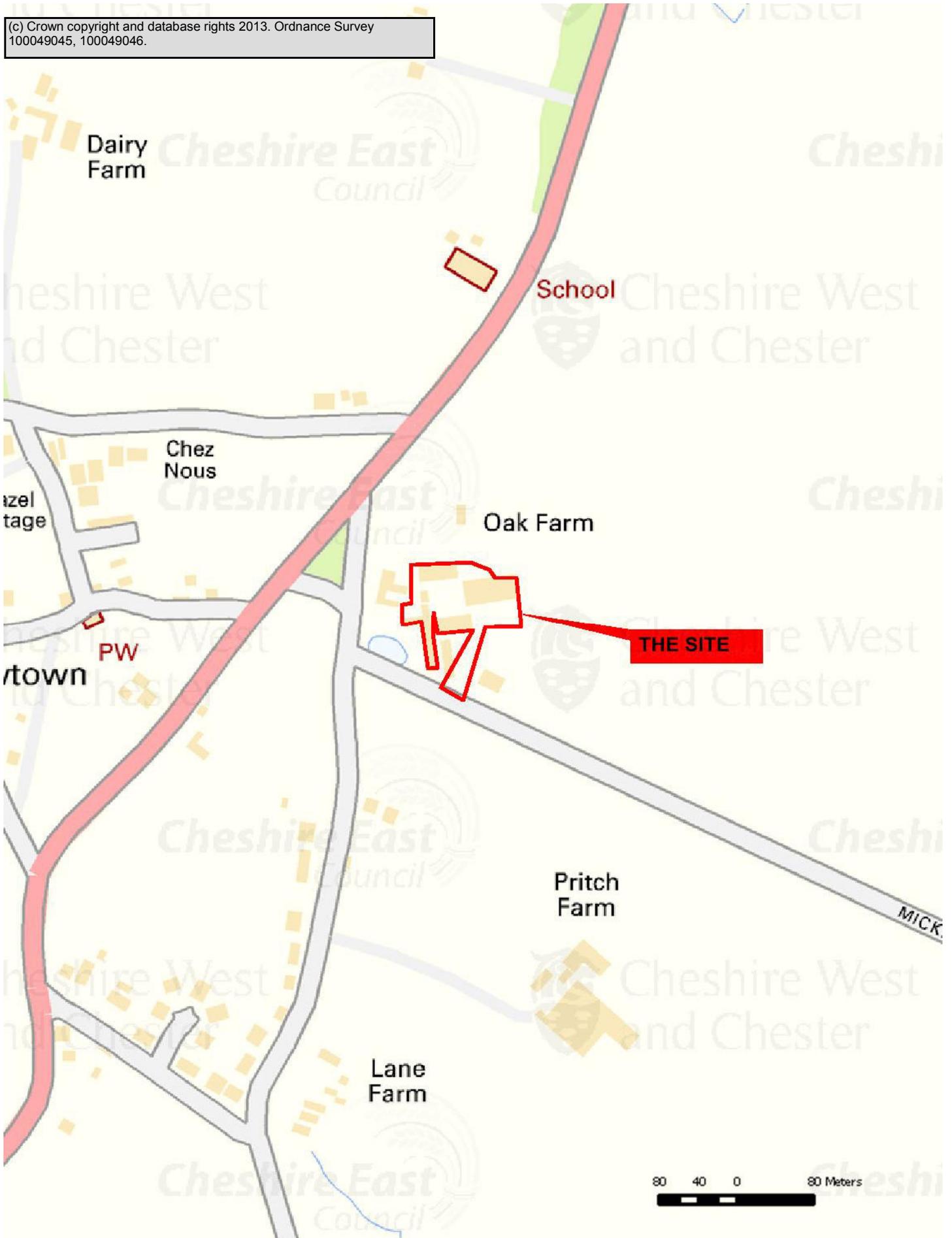
The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. The proposal will generate negligible amounts of additional traffic and would not adversely impact upon highway safety. The Great Crested Newts within ponds on/adjacent to the site would be protected by the mitigation measures within the survey submitted. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Approve subject to the following conditions:-

- 1) Standard time limit**
- 2) Approved plans**
- 3) Facing and roofing materials to be submitted**
- 4) Landscaping scheme including hedgerow protection**
- 5) Implementation of landscaping scheme**
- 6) In accordance with protected species survey**
- 7) Foul and surface drainage water details to be submitted**
- 8) Submission of a waste management plan**
- 9) Deliveries and collections from site including delivery and removal of livestock and waste only Monday- Friday 8am – 6pm**
- 10) Visibility splay as approved plan; brought into use prior to construction**
- 11) No external lighting**



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Application No: 13/2841C
Location: LAND NORTH OF, MOSS LANE, SANDBACH,
Proposal: Outline Application for 13 New Dwellings
Applicant: Peter Richardson
Expiry Date: 09-Oct-2013

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of the development
- Housing land supply
- The acceptability of the Layout, Scale, Appearance, Landscaping and Access
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a residential development of more than 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an agricultural field located on the northern side of Moss Lane, Sandbach within the Open Countryside.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 13 new dwellings.

All matters are reserved. As such, the application seeks permission for the principle of the erection of 13 dwellings on this site.

RELEVANT HISTORY

None

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

H1 & H2 - Provision of New Housing Development

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

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation – Statutory Sites

NR3 - Habitats

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development

The EC Habitats Directive 1992

Conservation of Habitat & Species Regulations 2010

Circular 06/2005 - - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Affordable Housing Statement: Affordable Housing

Sandbach Town Strategy

CONSULTATIONS (External to Planning)

Strategic Highways Manager – Object to the proposed development on grounds that insufficient information has been provided in terms of;

- Analysis of the junction of Moss Lane with the A5333 in order to prove capacity for the traffic generation.
- No other highway information.

Environmental Health – No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction and the prior submission of a dust control scheme.

United Utilities – No comments received at time of report

Canal & River Trust - No objections

Greenspace (Cheshire East Council) – Advise that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development. The contributions sought are;

Enhanced provision: £2,113.20

Maintenance: £4,730.00

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,662.80

Maintenance: £11,940.00

Total: £22,446

Housing (Cheshire East Council) – No objections, but outline the requirements for affordable housing.

Public Rights of Way – No objections, subject to an informative advising the land owner of their obligations.

VIEWS OF THE PARISH COUNCIL:

Sandbach Town Council – Object to the proposal on the following grounds;

- Outside settlement boundary
- Highway safety

OTHER REPRESENTATIONS:

9 letters of objection have been received (25, 29, 31 and 32 Moss Lane, The Gables, Greenways, Sunset View, 5 Mulberry Gardens and Sunnyside). The main areas of objection relate to;

- Development is in the Open Countryside
- Design
- Drainage capacity
- Ecology
- Loss of hedgerow
- Highway Safety
- Lack of community facilities

Other issues raised which are not material considerations include; the proposal would set a precedent, there is no need for further housing, loss of farming land and preference of renovation of existing dwellings in the town.

SUPPORTING INFORMATION:

Design and Access Statement

OFFICER APPRAISAL

Principle of Development

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

- Agriculture and Forestry
- Facilities for outdoor sport, recreation, tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6.

Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site in accordance with Policy E10
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

As the proposed development does not fall within any of the above categories, it is considered that it would be contrary to Local Plan Policies H6 and PS8 and would be unacceptable in principle.

Housing land supply

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

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

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

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

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

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

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be

considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

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

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

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

However, Cheshire East can demonstrate a five year supply of housing land and it is considered that Policies PS8 and H6, which protect Open Countryside, are not out of date.

Layout

The proposed development is for 13 new dwellings.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a linear pattern fronting Moss Lane, following a similar building line to the existing dwellings to the east of the site.

The dwellings would be inset from Moss Lane between 4.5 and 10 metres. The plots would be elongated in nature and extend between 34 and 40 metres in depth.

To the adjacent sides, the dwelling proposed to the far east of the site would be approximately 11.5 metres from the side elevation of No.32 Moss Lane. The dwelling proposed to the far west would be approximately 54 metres from the side elevation of Sunnyside.

Due to the linear pattern of development along this side of Moss Lane to the east and the regular building line that these properties have been constructed at, it is considered that the addition of the 13 dwellings along this frontage would respect the local character with regards to layout.

For the above reasons, it is considered that the indicative layout of the proposed development would be acceptable and would subsequently adhere to Policy GR2 of the Local Plan.

Access

The indicative layout plan shows that the proposed dwellings would be served by their own individual accesses onto Moss Lane which would lead to private driveways which are large enough to accommodate 200% parking.

The Council's Strategic Highways Manager has advised that the proposal *‘...is not acceptable to the Strategic Highways Manager given the sensitive nature of Moss Lane in traffic impact terms and the evolving traffic situation with the redevelopment of the Fodens site for housing.*

This application should provide an analysis of the junction of Moss Lane with the A533 to prove capacity for the traffic generation from this small scale development proposal.'

As such, given this lack of information, it is considered that the Strategic Highways Manager has insufficient information in order to assess the strategic impacts of the proposed application.

As such, it is considered that the proposed development would be contrary to Policy GR9 of the Local Plan.

Appearance & Scale

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

In terms of its form, the indicative layout plan indicates that the applicant seeks to erect 5 detached dwellings and 8 semi-detached dwellings on the northern side of Moss Lane, Sandbach.

The indicative streetscene plan shows that all 13 dwellings would be two-storey in nature, consist of dual-pitched roofs and include dual-pitched-fronted features such as half-dormers, porches or gables.

7 of the 13 units would include subordinate, two-storey side outriggers which would include integral garages. 2 of the units would include detached garages.

It is detailed within paragraph 3.6 of the submitted Design and Access Statement that *'The scale and appearance of the proposed properties will be in keeping with the surrounding properties using facing brickwork and tile roofs.'*

Given that the majority of the surrounding properties are two-storey, detached or semi-detached with open brick finishes and dual-pitched tiled roofs, it is considered that the form and appearance of the proposed scheme would respect the local character.

With regards to scale, the indicative streetscene plan shows that the proposed dwellings would range between 7.8 and 8.2 metres in height. These heights would reflect the heights of the surrounding two-storey properties, as would the proposed footprints. As such, it is not considered that the height of the proposed dwellings would appear incongruous.

As a result, it is considered that the proposed development would adhere with Policies GR1 and GR2 of the Local Plan.

Landscape

The proposed development is enclosed on the southern (front), eastern (side) and western (side) boundaries by hedgerow.

There are no protected trees on the site.

It is advised within paragraph 3.4 of the submitted Design and Access Statement that *'The design proposes to retain the existing hedges on the site boundary. A new hedge is to be planted to the northern boundary to the agricultural field. Each new property proposed will be open fronted with its own private parking space and private amenity space.'*

In response to this proposal, the Council's Landscape Officer has advised that no details have been submitted with the application in relation to the presence of existing trees in the roadside hedge frontage and no landscape appraisal or visual impact assessment has been provided. As such, it is advised that should the application be approved, it would be *'...essential to secure a soft landscape boundary treatment to the northern and western boundaries.'*

With reference to the hedgerows, it has been advised that where it is proposed that hedgerow be removed, it should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'important' under and of the criteria in the regulations, this would be a significant material consideration in the determination of the application.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In this case due to the lack of submitted information it is consequently unknown whether the hedgerow which would be lost is important. This issue will form a reason for refusal.

With reference to trees, given that there are trees on the site and there is no tree survey, details of tree constraints or arboricultural impact assessment, the submission does not meet the guidance contained within BS 5837:2012 Trees in relation to design, demolition and constructions – and does not provide the level of detail required to adequately assess the impact of the development upon existing trees.

As a result of this lack of information in respect of trees, it is considered that the proposed development would fail to adhere with Policy NR1 of the Local Plan.

Amenity

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

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

In terms of the separation distances, between the new dwellings themselves, all 13 units would lie parallel to each other.

No details regarding what openings are proposed on the side elevations of these units have been provided.

In order to be deemed as acceptable, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling.

In relation to the impact upon the neighbouring dwellings outside of the development site, the closest units are; No.32 Moss Lane to the north-east, Sunnyside to the southwest and the properties on the opposite side of Moss Lane to the development.

The gap between the dwelling proposed closest to No.32 and the side elevation of No.32 would be approximately 11.5 metres.

On the relevant side elevation of this neighbouring property there is a first-floor side window which serves a landing.

Given that this opening does not serve a principal habitable room, subject to their not being any openings on a relevant side elevation of the proposed closest dwelling which would represent a sole window to a principal room, it is not considered that the development would create any loss of privacy, light or be visually intrusive for this neighbour.

Sunnyside would be positioned approximately 54 metres to the southwest of the closest property proposed on the site. Given this large separation distance, it is not considered that the proposal would result in a loss of privacy, light or visual intrusion for this neighbour.

On the opposite side of Moss Lane, the properties would be over approximately 25 metres away. Again, as a result of this large separation distance, it is not considered that the development would create any amenity issues for the occupiers of these properties.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions. These suggested conditions include; including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction and the prior submission of a dust control scheme.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has advised that because the application will result in the loss of hedgerow along Moss Lane, as hedgerows are Biodiversity Action Plan priority habitats, they are a material consideration.

It is recommended that the loss of these hedgerows be compensated for by creating new native species hedgerows as garden boundaries for the proposed houses. This can be secured by condition.

Furthermore, should the application be approved, it is recommended that a condition to safeguard breeding birds and a condition for the prior submission for details for the incorporation of features into the scheme suitable for breeding birds be imposed.

Subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

Open Space

No open space is to be provided as part of the scheme.

The Council's Greenspace team, have broken down the assessment of what is required into Amenity Greenspace and Children's and Young Persons Play provision.

With regards to Amenity Greenspace, it is advised that if the development were to be granted planning permission, there would be a deficiency in the quantity of provision, having regards to the local standards set out in the Council's Open Space Study.

As such, the Council would request a sum of money in order to provide enhanced provision and maintenance of local space.

In terms of Young Persons Play provision, again, should planning permission be granted, there would be a deficiency in the quantity of provision and a financial contribution would be sought to account for this deficiency.

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

Affordable Housing

The application allocates the provision of 4 of the 13 dwellings to be affordable dwellings which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Council's Strategic Housing Development Officer has advised that the tenure split should have 3 provided as social/affordable rented and 1 as intermediate tenure.

The Housing Officer has also advised that the affordable dwellings proposed will be 2 bed houses which will '*...go towards meeting some of the affordable housing need.*'

A legal agreement will be required to secure the delivery of this housing and trigger its release.

As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable.

Footpaths / Public Right of Way

The proposed would not directly impact an existing public right of way. However, there is an existing footpath to the west of the site (Public Footpath no.34).

The Council's Public Rights of Way Officer has advised that they have no objections to the proposed development but recommend an informative be added to the decision notice, should the application be approved, in order to remind the applicants of their responsibilities.

As the Council's Public Rights of Way Officer is satisfied with proposal, it is considered that the development would adhere with Policy GR15 of the Local Plan.

CONCLUSIONS

The site is within the Open Countryside where under Policies PS8 and H6 there is a presumption against new residential development, which would be harmful to its open character and appearance, which in the absence of a need for the development, should be protected for its own sake.

The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.

The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal provides insufficient information in order to assess the strategic impacts of the scheme from a highway safety perspective and also a landscape, tree and hedgerow perspective. As such, the proposal is also contrary to Policies GR9 and GR4 of the Congleton Borough Local Plan First Review 2005.

RECOMMENDATION:

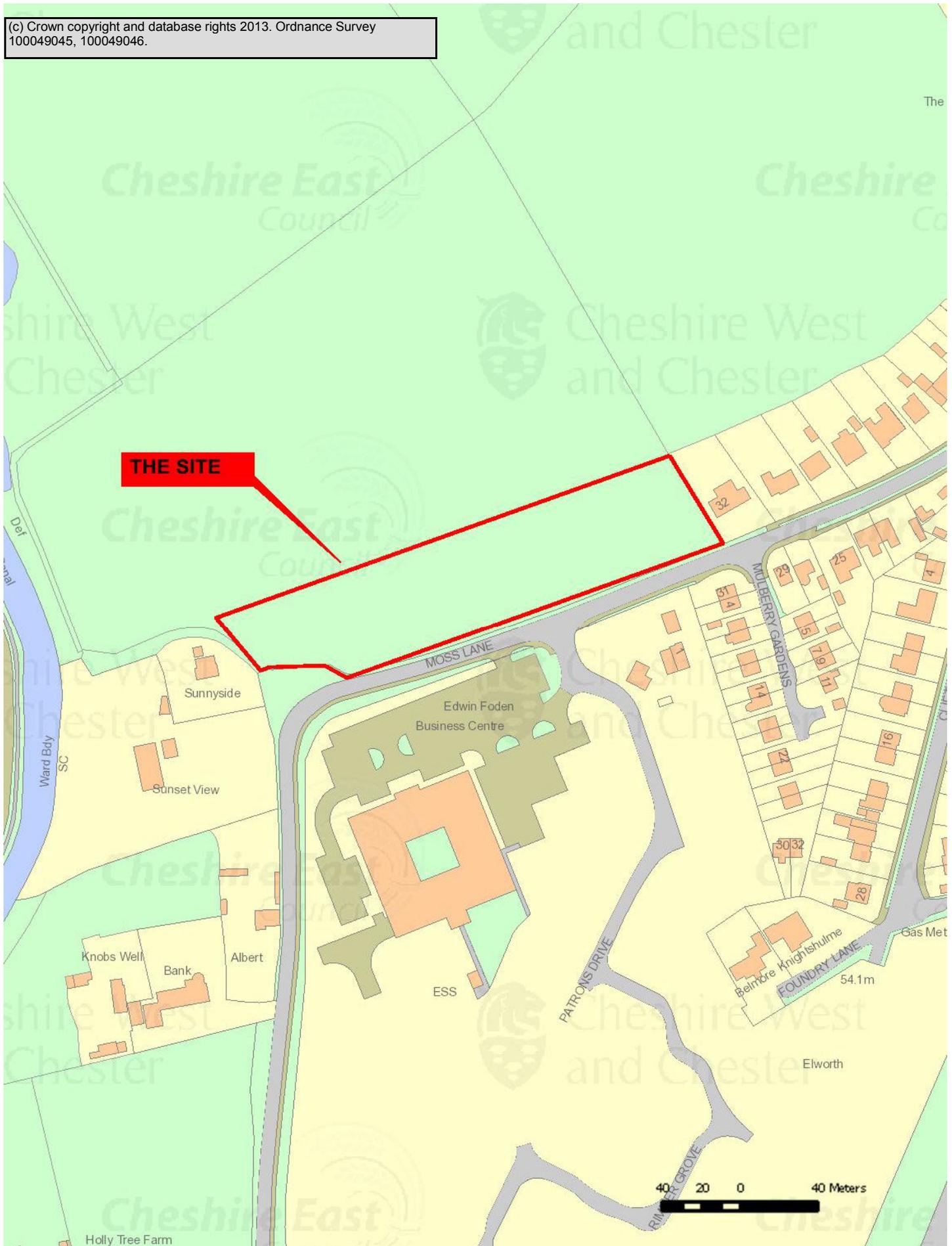
REFUSE

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an "important" hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan**

First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.

- 3. Insufficient information has been submitted with the application to determine the impacts upon trees. The submission does not meet the guidance contained within BS 5837:2012 Trees in relation to design, demolition and constructions – and does not provide the level of detail required to adequately assess the impact of the development upon existing trees. Therefore the scheme is contrary to Policy NR1 of the adopted Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

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Application No: 13/2901C

Location: Land Adjacent to Meadow View, 118, Dunnocksfold Road, Alsager, Cheshire, ST7 2TW

Proposal: Development of 8 Market Dwellings on Land to the North of Close Lane, Alsager.

Applicant: Stephanie Hurstfield

Expiry Date: 03-Sep-2013

**SUMMARY RECOMMENDATION
REFUSE**

MAIN ISSUES

**Principal of the Development
Planning Policy and Housing Land Supply
Landscape and Trees
Affordable Housing
Highway Implications
Amenity
Design
Ecology
Open Space**

REASON FOR REFERRAL

This application has been called in by Councillor Shirley Jones on the following grounds:

“The reasons are that this land is in open countryside and so far from facilities as to be unsustainable. The density of development is out of character with adjoining area.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open grassland 0.39 hectares in size. The northern corner of the site contains Lady Farm Bungalow, which previously had an agricultural occupancy condition attached to it that has since been removed. (12/1767C)

The site is designated as being within the Open Countryside in the adopted local plan and is classified as very good quality agricultural land (Grade 2).

DETAILS OF PROPOSAL

The application is for outline planning permission for the erection of 8 market dwellings. Access is to be determined at this stage with appearance, landscaping, layout and scale to be determined at reserved matters stage.

The access to 6 of the dwellings would be taken from Close Lane with Lady Farm Bungalow and the 2 other dwellings taking access from Dunnocksfold Lane.

An **indicative** layout plan has been submitted with the application, which shows a 6 of the dwellings facing on to a central spine road, with two facing on to Dunnocksfold Lane.

RELEVANT HISTORY

12/1767C 2012 Approval for removal of agricultural occupancy condition

0361/3 1974 Approval for farmhouse and pig rearing building

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and low cost housing

Other Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Draft Development Strategy

Strategic Housing Land Availability Assessment (SHLAA)

North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive

The Conservation of Habitats and Species Regulations 2010.

Alsager Town Strategy

CONSULTATIONS (External to Planning)

United Utilities:

None received at the time of report writing.

Strategic Highways Manager:

This is an outline application for 8 residential dwellings with access from Close Lane in Alsager; all matters are reserved apart from access.

Close Lane already serves a significant amount of residential properties and connects to Dunnockfold Road at its northern end; it has a number of sharp bends close to the site and is narrow in places. The traffic impact of the development has to be viewed on the proposed scale of the development; the development of 8 dwellings has a very small percentage increase on the flows on Close Lane and will not result in capacity problems on the road network. Although, the alignment of Close Lane is poor there is no indication that there is a road safety issue as there have been no accidents recorded in this section of Close Lane, in these circumstances it would not be possible to support a case where road safety is being compromised especially as the traffic generation is small.

The access to the site is a priority junction design and adequate visibility can be achieved on the site frontage, although there is an indicative layout provided

In summary, the development in traffic impact terms is acceptable.

Environmental Protection:

Recommend conditions relating to hours of construction, piling and contaminated land. They also recommend refusal of the application as there is insufficient information relating to noise generated from the M6 motorway.

VIEWS OF THE TOWN/PARISH COUNCIL

Alsager Town Council strongly objects to 13/2901C the proposed development on the following grounds:

- a. The site is not contained for development within the recently approved Alsager Town Strategy which reflects the wishes and aspirations of its residents. This Strategy clearly accepts the need for housing growth but strongly emphasises that the town's brownfields sites should be fully utilised before greenfield sites are developed. It is the Town Council's policy contained in the Alsager Town Strategy that sustained development should take place on existing brownfield sites and there are sufficient brownfield sites in Alsager to meet the town's future needs. The Town Strategy is being used as an evidence base to inform Cheshire East Council's developing Local Plan and consequently the Development Strategy endeavours to reflect the approved documents and consultation responses as far as possible. Cheshire East Council and HM Government should recognise the Alsager Town Strategy is of key importance and give weight to it as a material planning consideration with particular regard to the Localism Act, which empowers local people to have a say in the development of their local area. This site is not contained in the current

Draft Local Plan and furthermore it is not contained in the 'possible additional sites proposed by developer and land interest' recently consulted on by Cheshire East Council.

b. Cheshire East Council state that they have in excess of the required 5 years supply of land identified in the 2012 SHLAA document and this site is not contained therein.

c. The application is an intrusion into the surrounding open countryside and no development should take place on greenfield sites in Alsager or just beyond its boundary, before all brownfield sites are exhausted, to ensure that greenfield sites, which gave access to the countryside, are protected and preserved against residential development. This application if developed would have 3 boundary sides facing open countryside.

d. A fundamental aim of greenfield sites is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are openness and permanence and as such greenfield sites safeguard the countryside and prevent joined up settlements.

Haslington Parish Council Object to the proposed development as unwarranted development in the open countryside outside existing settlement boundaries contrary to both Crewe and Nantwich Borough and Congleton Borough development policies, NE2, H6. In addition the application proposes an additional access point onto Close Lane very near one of two sharp bends meaning that traffic may not see vehicles emerging from the proposed development. The application does not demonstrate how refuse and other delivery vehicles can turn within the development.

OTHER REPRESENTATIONS

Approximately 70 representations have been received relating to this application raising the following points:

Principle

- The site is not supported in the Alsager Town Plan
- The site is not included in the Strategic Housing Land Availability Assessment (SHLAA)
- The proposal contravenes all local policies that state that brownfield land should be used before Greenfield
- The two significant brownfield sites in Alsager should be built out first
- Contravenes the ethos behind localism
- No employment or infrastructure nearby
- Intrusion into the open countryside
- There is already more than enough housing in Alsager
- No evidence of demand for the proposed dwellings
- The town is under siege from developers
- Degradation of the quality of life in Alsager
- Will lead to urban sprawl
- Impact on Green Belt

Highways

- Dangerous access
- The road has several sharp bends and there are regular accidents especially in winter
- Inappropriate access on to a bridleway
- Greed ahead of children's safety
- Lack of a pavement adjacent to the site

Other Matters

- Loss of privacy and light
- Flood risk
- Loss of agricultural land
- Adverse impact on wildlife
- Inadequate sewers
- Interruptions to the electricity supply

One representation supported the proposal as they object to the development of MMU.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Planning Policy Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Assessment of Pond near Lady Farm Bungalow
- Highways Report

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal of Development

Policy Position

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

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

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”.

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”

Housing Land Supply

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

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

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

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

The figures contained within the Regional Spatial Strategy (now revoked) proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as

a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. These policies also have a dual function one of which is to protect the countryside for its own intrinsic value, which is considered to be in compliance with the NPPF.

Emerging Policy

The Cheshire East Development Strategy approved by Strategic Planning Board and Cabinet for consultation until 26 February 2013 is a material consideration, it directs additional

housing in Alsager to two strategic sites: Manchester Metropolitan University (400) and Twyford (450).

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance and comparatively more to that of housing supply. These inconsistencies feature within the legal action that the Council is taking elsewhere.

In the recent Secretary of State decisions in Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing; it is considered that a prematurity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the automatic presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by

the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

The application does not include such an assessment but puts forward the following information:

- The site is approximately 1.5km from the town centre
- 2.5km from the train station which can be accessed by bus
- 3.5km from Junction 16 of the M6
- 0.9km from the secondary school

The submitted planning statement also makes reference to a range of local services within walking distance, but does not specify what these distances are. It also makes reference to bus routes but does not specify which they are and where the nearest bus stops are located.

The Design and Access Statement states that the development would be built to take into account the requirement for sustainable design in relation to climate change and sustainability principles and all relevant Building Regulations would be adhered to. Details of these matters would be submitted at reserved matters stage and could be secured by condition.

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Close Lane (and the MMU site) from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The land in question is Grade 2 and as such its loss would not be in compliance with the requirements of the NPPF. However, given that the proposal could not be considered 'significant', a refusal on these grounds could not be sustained.

The Design and Access Statement assesses the site as an area of underutilised grassland, associated with the dwelling known as Meadow View, which if ever ploughed, any arable operations would be limited by the small area and shape of the land. It also states that the land is not currently in productive agricultural use.

Landscape and Trees

The site comprises a parcel of agricultural land laid to grass and was used for grazing cattle at the time of the site visit. It forms part of a field which wraps around an existing bungalow originally built as an agricultural workers dwelling. There is residential development to the south and east separated from the site by Close Lane and Dunnocksfold Road. A public footpath runs to the east. For a section of the northern boundary, the site is open to the field. There is post and rail fence to the bungalow boundaries, a post and wire fence to the west, and hedges to the south and east.

The site is located within open countryside outside the settlement zone line in the relevant Local Plan. Although there is residential development in the vicinity, it is considered that the site has a rural character. No assessment has been submitted in respect of impact on landscape character or visual amenity. Development of the site as indicated would extend the built form of Alsager out into open countryside. The indicative layout shows the removal of lengths of hedge, opening up the site to views from adjacent properties. Indicative new planting is shown on the layout but as an outline application with only access included, little weight can be afforded to this plan.

Although there are no landscape designations on the application site, open countryside has policy protection in the adopted local plan and it is considered that a case of exceptional need would have to be demonstrated to consider development of the site.

There is young tree growth within the roadside hedge but there are no significant or protected trees on the site

As stated above, the indicative layout would appear to result in the removal of the roadside hedgerow on Close Lane to create an access, allow visibility and accommodate a footpath. Sections of the eastern hedge would be removed to create driveways. Whilst no evidence has been provided in respect of the hedgerows, the Council is satisfied the Close Lane hedge is less than 30 years old and would therefore be exempt from The Hedgerow Regulations 1997. Further clarification is required in respect of the eastern hedge and if older than 30 years, a full assessment would be required under the criteria in the Regulations.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that for windfall sites such as this the minimum site-size threshold, above which affordable housing provision would be required is 15 dwellings or more than 0.4 hectares. This proposal is for 8 dwellings on a site 0.39 hectares in size. There is therefore no requirement for affordable housing provision within the development.

Highways Implications

The application has been assessed by the Strategic Highways Manager (SHM), whose comments are recorded in the report. In summary the SHM considers that in traffic impact terms, the development is acceptable given the number of dwellings proposed and the fact adequate visibility could be achieved on the site frontage.

Amenity

In terms of the surrounding residential properties, these are mainly to the east and south of the site. Although the application is in outline form only, the indicative layout shows that adequate separation distances would be provided to these properties. The proposed dwellings would be of a density that is consistent with the surrounding area and would not be out of character in this locality.

The Environmental Health Officer has requested a condition in relation to noise during construction and pile driving. These conditions are considered to be reasonable and necessary and would be attached to the planning permission if granted.

The Environmental Health Officer has recommended refusal of the application on the grounds of lack of information about mitigation against noise from the M6. This application is in outline form and therefore detailed construction details are not contained within it. It is considered that this can be adequately dealt with by means of a condition requiring that this information is provided at reserved matters stage.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

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.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has indicated that the development would not be a prominent feature in the street scene and would be designed to reflect the scale, mass, form, roof pitch and detailing of the properties in the local area. As such it is considered that the indicative proposals would be acceptable.

Ecology

The application is supported by ecological surveys which have been assessed by the Councils' Principal Nature Conservation Officer. His conclusion is that the site is likely to be of low nature conservation value. Conditions are recommended relating to replacement hedgerow planting and the protection of breeding birds.

CONCLUSIONS

The site is within the Open Countryside. Under Policies PS8 and H6 there is a presumption against new residential development which would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years. Therefore, the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of agricultural land. The applicant has failed to demonstrate that this is not amongst the best and most versatile grades of land. In the

absence of this information, and any established need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity. Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity, ecology and highway safety.

Overall harm would be caused in terms of the impact on the open countryside and the loss of agricultural land. As a result the proposal is considered to be unsustainable and contrary to Policies PS8 and H6 of the local plan and the provisions of the NPPF in this regard.

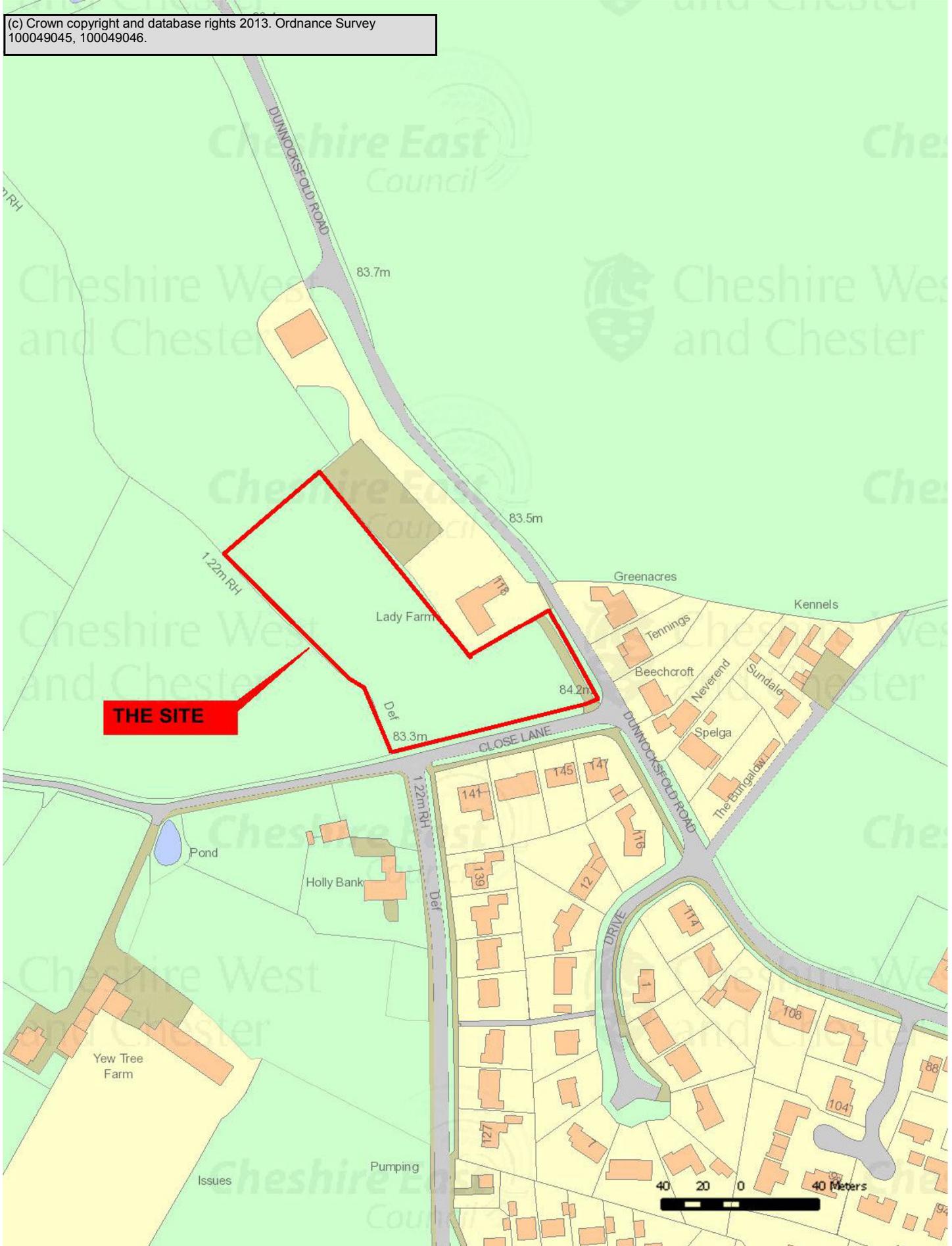
RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside on Grade 2 Agricultural Land, where according to Policies PS8 and H6 of the adopted Congleton Borough Replacement Local Plan 2005, there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

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

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Application No: 13/3046N

Location: 271, NEWCASTLE ROAD, WYBUNBURY, NANTWICH, CHESHIRE, CW5 7ET

Proposal: Change of Use from Shot-blasting Heavy Goods Vehicles to Car Repairs, Dismantling and Salvage of Parts.

Applicant: Victor Pickering

Expiry Date: 16-Sep-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Local Plan Policy/Government Guidance;
- Character and Appearance;
- Change of Use;
- Pollution;
- Amenity;
- Highways; and
- Other Matters

REFERRAL

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

"I call in this application to Southern Planning in order to ask the committee to consider the objections of Mr Scragg shown below and the occupier of 269 Mr Tomlinson next door. I would draw attention to the proposed operating hours and recommend the committee consider restricting them to normal office hours as this is a residential area and noise making operations such as these should be kept to normal working hours. I think because of the noise, neighbours would like to ensure that all operations are conducted within insulated walls/roof. The committee might also like to note that vehicles using the drive at the back and side of the property at night shine their headlights directly into the female neighbours bedroom".

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the north of the existing Blakelow Industrial Park, the proposal comprises a single storey building with associated hardstanding. The application

building is utilitarian in form and is currently being used for the dismantling of vehicles. It was noted that there were several other buildings and offices, which make up remainder of the complex. Located to the south of application are a number of residential properties, which front on to Newcastle Road. The application site is located wholly within the Open Countryside and the Green Gap.

DETAILS OF PROPOSAL

This is a retrospective application for the change of use of a building from shot blasting heavy goods vehicles to car repairs, vehicle dismantling and salvage of parts at 271 Newcastle Road, Wybunbury, Nantwich.

RELEVANT HISTORY

10/2091N - Proposal for One Small 11Kw Gaia Wind Turbine where The Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m – Refused – 2nd September 2010 – Appeal – Dismissed – 28th February 2011
P04/1169 - Change of Use from Hay Barn to Maintenance Depot for Racing Cars – Approved – 4th July 2005 – Appeal Allowed – 4th July 2005
P02/0618 - Change of use from Haybarn to Retailing – Refused – 15th October 2002
P00/0870 - Change of Use from Parking Used in Connection with Stables to Car Park Used in Connection with the Adjoining Commercial Premises – Approved – 2nd July 2004
P00/0869 - Erection of Hay Barn (Retrospective) – Approved – 29th July 2004
P99/0197 - Use of land for keeping of horses, erection of stables, tack room and implements building – Approved – 24th June 1999
P92/0166 - Maintenance building for servicing of commercial vehicles – Approved – 16th April 1992
P98/0222 - Replacement portal frame building – Approved – 5th May 1998
P93/0597 - Double garage – Approved – 20th September 1993
7/18460 - COU of land to form additional parking and turning area for commercial vehicles – Approved – 24th October 1990
7/08649 - Extension of area to rear of workshop of parking and storing vehicles – Refused – 25th February 1982

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

NE.2 (Open Countryside)
NE.4 (Green Gaps)
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)
TRAN.9 (Car Parking Standards)
E.4 (Development on Existing Employment Sites)
E.6 (Employment Development within the Open Countryside)

CONSIDERATIONS (External to Planning)

Environment Agency: No objections subject to the following being conditioned

Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.

Surface water from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. The formal consent of United Utilities will be required. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse.

Environmental Health: No objection subject to conditions relating to external lighting and hours of operation.

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

VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council understands that the application is retrospective because the current actual use is already for car repairs, dismantling and salvage of parts; and also that these activities are continuing until very late every day, sometimes up to 11.30pm at night, causing noise and light pollution nuisance in what is primarily a residential area.

The Parish Council feels that the operating hours should be regulated to reasonable hours of work (ie 9.00am to 6.00pm Monday to Friday; and Saturday morning only)

The Parish Council is also concerned about the potential for contamination of a water course running to the rear of the site, from any run off from the site, and would urge that the Environment Agency be also consulted for its views on this issue.

OTHER REPRESENTATIONS

1 letter of support from the occupier of Unit 1, 271 Newcastle Road stating that 'the change of use will not affect my business and I have no objection whatsoever to the change of use'.

3 Letters of objection have been received from the occupiers of 277A Newcastle Road, 7 Main Road and Puseydale Farm, which raise the following points:

- The dismantling of cars at this site has apparently been going on for some time already which explains the noise late at night. As no planning application for change of use had been sought we thought the additional noise was due to increased activity at the shot blasting site. Any increase in noise late in the evening or at weekends would be detrimental to the peace and quiet of the residents in the vicinity;
- The application states that the opening times for the site are 7.00 till 22.00 every day including Sundays and Bank Holidays. This means that there would be no respite from the noise on any day of the year;
- Heavy vehicles entering or leaving late in the evening would also constitute a nuisance in what is a predominantly residential area. This is confirmed by the new houses to be built on the 'Shavington Triangle' just along Newcastle Road.
- We are concerned that any run-off of liquids such as engine oil, fuel, anti-freeze or refrigerant might cause contamination of the surrounding land, in particular the open land drain which runs at the back of our property. The application states that Brake Fluid and Anti-freeze are to be stored and collected twice yearly but no mention is made of fuel or engine oil.
- The proposal represents a fire hazard;
- Deliveries to the site are at unsocialable hours;
- The application is retrospective and as such is unlawful;
- The activities take place in the open air; and
- This is not an appropriate location for this type of use

1 letter of objection received from Richard Ellison (Agent) acting on behalf of the occupiers no. 269 Newcastle Road, the salient points raised are as follows

- There is no indication of the level of through put of vehicles proposed for dismantling or car repairs and so CEC would not know the of what it is being asked to approve. Uncontrolled, the level of activity could increase and then there would be pressure to extend the activity across other parts of the site with increased considerable harm to the amenity of local residents;
- It is claimed that " most activity takes place within the building and involves the uses of hand tools normally associated with car repairs. A fork lift truck is used to transport car bodies and heavy parts. The yard is used for parking staff cars and for open storage of cars and parts. There is no stacking of car bodies and parts and no burning of tyres or other inflammable materials."
- No noise assessment has been submitted with the application. There is considerable noise caused by the proposal and all its comings and goings;
- The submitted forms propose 07.00-22.00, 7 days a week including Sundays and Bank Holidays.

- Local residents are to endure this level of activity for 15 hours out of every 24 hours 365 days a year. This level of proposed uses is clearly intolerable and if the activity continues to operate as it does at present it will continue to cause major harm to the amenity of local residents.
- According to the Planning Statement, waste materials are to be disposed of in accordance with Environment agency requirements. Further details are however provided in the application forms:
- Waste brake fluid is stored in 25 litre drum with a maximum stored quantity of 20 litres. Waste engine coolant is stored in plastic 25 litre drums with a maximum stored quantity of 100 litres. Both brake fluid and engine coolant are removed twice yearly by Enviro Care North West. However, not all the waste produce is accounted for in the supporting statement and this requires further explanation;
- The application forms indicate a 100% increase in employees from 5 to 10 which suggest a considerable expansion in the level of activities and throughput on the site. The increase in staff numbers will exacerbate parking and the amount of turnover of vehicles being dismantled.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

1 Letter of support from the Rex Brockway (Agent) acting on behalf of the applicant. The salient points raised are as follows:

- Vehicles have all possible contaminants removed within the building where a concrete slab enables any spillage to be contained and cleaned. All possible contaminants are to be disposed of in an approved manner by Enviro Care North West;
- There is no existing external lighting on this site and none is proposed;
- Dismantling of vehicles takes place with the use of hand tools, a small compressor and a tyre extractor. A fork lift truck is used to transport car bodies and heavy parts. No heavy industrial machinery or 'Stihl' petrol cutter is involved. Cars are not cut up nor crushed;
- The small size of the site and no stacking of car bodies, limits the volume of activity. The cars are usually transported to and from the site by employees of the business. No "passing trade" retailing of spare parts takes place on the site, parts are sold over the internet and shipped. Occasionally cars may be repaired or have tyres changed. Staff numbers are equivalent to 5 full time employees and it is not proposed to increase this number;
- The site adjoins fields to the west and north where an existing substantial hedge provides appropriate boundary enclosure.
- The consultation reply from Public Protection and Health recommends restricting hours of operation to 08.00 to 18.00 on weekdays, 08.00 to 14.00 on Saturday, with no Sunday or Bank Holiday working. These hours are acceptable to control outside working but in view of the lack of control over the use of nearby industrial buildings and the much more generous hours of operation permitted on appeal for the use of the nearby barn for maintenance of racing cars, such a restriction on hours of operation within the building would be unreasonable. It is also noteworthy that the building on the application site is insulated to an approved level for shot blasting, a noisier activity than

that which is now proposed. The applicant would accept a condition which restricts working within the building to the same hours as the Planning Inspector considered acceptable for the maintenance of racing cars in the nearby barn

OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to its impact on residential amenity, drainage, highway safety.

Local Plan Policy/Government Guidance

As previously stated, the application site is located outside of the settlement boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map, and is therefore situated in Open Countryside and within the Green Gap.

Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Policy NE.4 (Green Gaps) states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would result in the erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. It is considered given that proposal is located wholly within an existing industrial complex and as such will not adversely affect the visual character of the landscape neither will it result in the creation of any new buildings and as such the proposal is broadly in accord with policy NE.4. The change of use would not result in the erosion of the physical gaps between built up areas.

According to Policy E.4 states that proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas. All new development should also meet the requirements of policies BE.1 – BE.5 as contained within the Local Plan.

According to the NPPF 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system' (para 19). The guidance goes on to state that 'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

In relation to supporting a prosperous rural economy 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'.

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

Character and appearance

The application site is located towards the north of Blakelow Business Park, which is a relatively small estate comprising several other buildings and workshops located on the western edge of Shavington. Located towards the south of the estate are a number of residential properties which front onto Newcastle Road. The industrial park boundaries are demarcated by mature native hedgerows on the northern and western boundaries. The site is accessed directly off Newcastle Road to the south.

The application building is utilitarian in form measures approximately 5.7m high with a rectangular footprint, with a floor area of approximately 108 square metres. Large entrance doors are located on southern elevation of the building. The remainder of the site provides parking for staff vehicles and open storage for vehicles and parts.

The building is not clearly visible from Newcastle Road as there is another building located closer to Newcastle Road, which helps to screen the application building.

Change of Use

As previously stated this is a retrospective application. The unit was previously used for shot blasting of heavy goods vehicles and the applicant is now using the site for dismantling vehicles. Once the vehicles have been dismantled the parts are then sold over the internet. The applicant stresses that there is no on site retail element and as such there are no visiting members of public to the site. The applicant also contends that the vast majority of the work takes place within the unit and no vehicles are stacked upon top of each other.

The applicant goes on to state that the vehicles are dismantled by hand, using hand tools only which are normally associated with car repairs. The car bodies and other heavy parts are then removed from the unit by a fork lift and loaded onto transporters and taken away. The applicant infers that the use is relatively low key with only one or two cars being dismantled at a time and this is mainly done within the building. The proposal will involve no burning of tyres or other flammable materials. The agent acting on behalf of the objectors states that the number of staff working at the premises is 10. However, the applicants agent states that the number of staff at the site is the equivalent to 5 full time employees and there are no plans to increase this number.

However, a number of objectors have stated that cars are being dismantled at unsociable hours and many of them claim that works are taking place up to and beyond 23.30 at night. Also the applicant and his employees work every weekend. Furthermore, objector's state that petrol cutters and other heavy machinery are being used to dismantle the vehicles which has a significant detrimental impact on their residential amenity. Whilst the concerns of local

residents are noted, colleagues in Environmental Health have been consulted regarding the proposal and they have no objection providing a condition relating to hours of operation is attached to the decision notice.

It is considered that the proposal accords with policy E.4 in that the unit is small scale and is located in a wider industrial complex. According to the submitted plans and Design and Access Statement, the floor area of unit measures approximately 108sqm, which help to curtail any future development. The development will help to support a prosperous rural economy. The proposal is an industrial use taking place within an industrial complex and as such is not unreasonable. A condition will be attached to the decision stating that no vehicles can be stacked over 2m high and there shall be no retail or trade to members of the passing public can occur at the site.

Pollution

A number of local residents claim that when the vehicles arrive at the site they have not been de-polluted i.e. none of the oil, brake fluid anti freeze etc has been removed. The applicant states that 'Vehicles have all possible contaminants removed within the building where a concrete slab enables any spillage to be contained and cleaned. All possible contaminants are to be disposed of in an approved manner by Enviro Care North West'. The local residents are concerned that these vehicle contaminants can run off and cause significant damage to the local environ. Consequently, colleagues in the Environment Agency have been consulted and raise no objection to the proposal providing the following condition is attached to the decision notice

'Surface water from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. The formal consent of United Utilities will be required. In the absence of a sewerage system, such drainage must go to a tank(s) with no discharge to watercourse'.

Overall, it is considered that there is insufficient justification to warrant a refusal on drainage and pollution control and sustain it at any subsequent Appeal and as such the proposal complies with policies BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and NE.17 (Pollution Control)

Amenity

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

The application site is located wholly on an existing small industrial estate. Consequently, the ambient noise levels are higher than one would normally associate with a rural area. Furthermore, Newcastle Road is heavily trafficked with high noise levels.

According to the submitted plans there is a distance of approximately 65m separating the application site from the nearest residential properties. It is considered given the separation

distances, the intervening building, boundary treatment and the other factors cited above will all help to mitigate any negative externalities caused by the proposed development. Furthermore, it is considered providing conditions relating to hours of use, noisy works to place inside and preventing any sales to members of the public will all help to alleviate any problems associated with the proposal. In addition, no objections have been raised by colleagues in Environmental Health and as such the proposal is in accord with policy BE.1 (Amenity). Whilst it is noted that the applicants agent is requesting longer working hours, it is considered given the sensitive nature of the site and the proximity of residential dwellinghouses, the hours have colleagues in Environmental Health have suggested is reasonable and appropriate.

Highways

No comments have been received at the time of writing this report from the Highway Engineers. Members will be updated in the update report once these comments have been received.

Other Matters

A number of objectors have stated that car parts and other detritus are being tipped on the neighbouring land, which has a water course running through it. However, these claims are disputed by the applicant. In any event, fly tipping is not a material planning consideration and can be dealt with by the Environment Agency under their legislation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The change of use of the building from shot blasting to the dismantling of vehicles is an appropriate use within the Open Countryside in this existing industrial complex. Furthermore, it is considered given the scale and nature of the proposal and its location and juxtaposition in relation to other residential properties means that the amenities of surrounding uses would not be detrimentally compromised. The proposal complies with Policies NE.2 (Open Countryside), NE.4 (Green Gaps), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and E.6 (Employment Development in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to conditions:

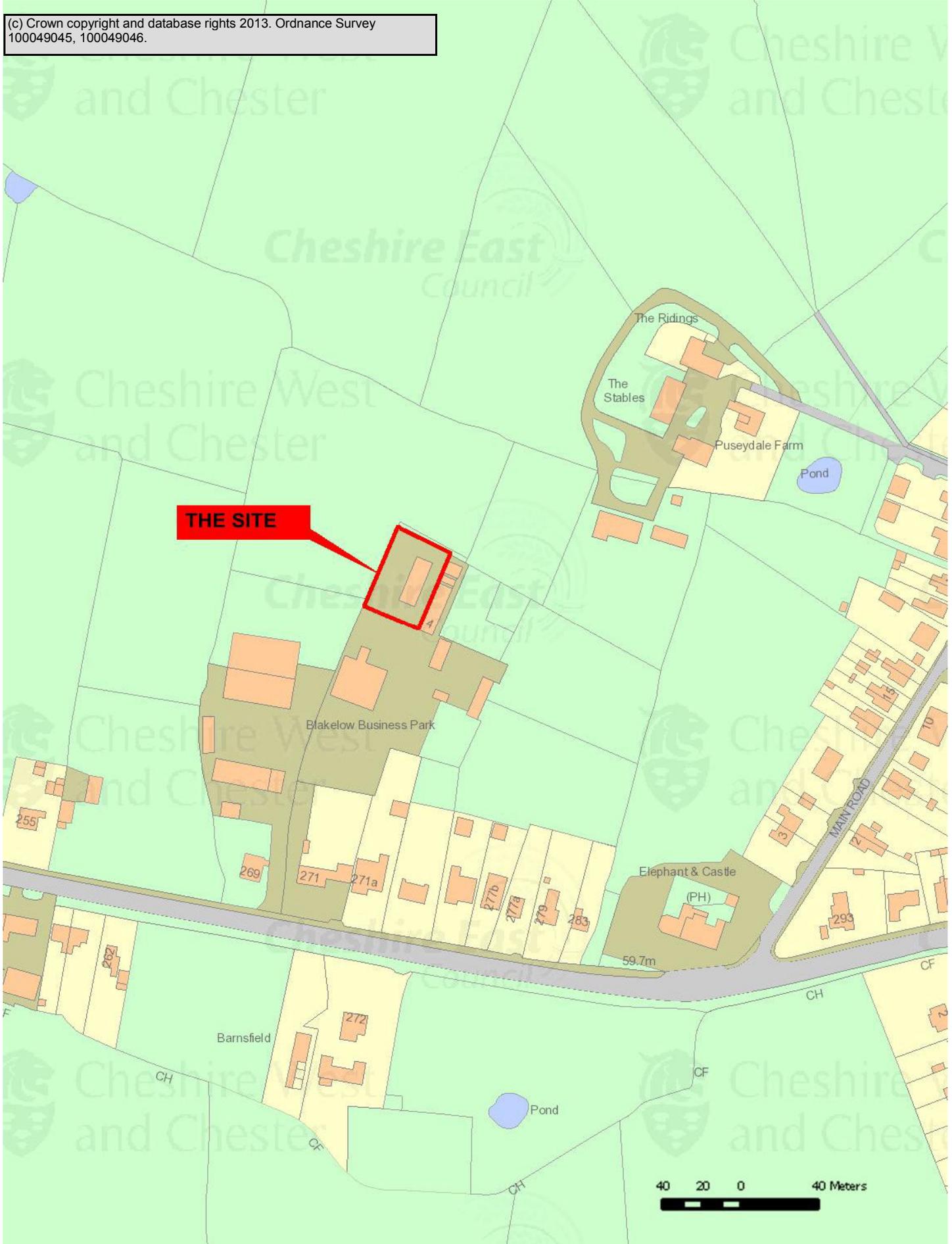
- 1. Plan References**
- 2. Hours of Operation**

Monday – Friday 08:00hrs – 18:00hrs
Saturday 08:00hrs – 14:00hrs
With no Sunday or Bank Holiday working

- 3. No Trade Counter or Sales to Members of the General Public**
- 4. Height of any vehicles stacked not to exceed 2m**
- 5. All activities that have the potential to create noise must take place within the building on site with all doors and windows closed**

- 6. Drainage**
- 7. Details of External Lighting**
- 8. Building to be used solely for the dismantling of vehicles and for no other purpose**
- 9. Management plan for the removal of waste material to and from the site**
- 10. Details of the areas for storage and staff car parking be submitted for approval**
- 11. Drainage Details**

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Application No: 13/3223N

Location: HOLLY BUSH INN, CREWE ROAD, WINTERLEY, CW11 4RF

Proposal: Outline Planning Permission for Three New Detached Two Storey Dwellings on Land to the Rear of Public House with Associated External Works including New Access Road

Applicant: Rebecca Williams, Holly Bush Inn

Expiry Date: 24-Sep-2013

SUMMARY RECOMMENDATION**Approve with conditions****MAIN ISSUES**

- Principle of Development
- Housing Need
- Green Gap
- Sustainability of the Site
- Amenity
- Design
- Affordable Housing
- Flood Prevention/Drainage
- Highways
- Renewable Energy Provision
- Trees
- Ecology

REFERRAL

The application is referred to the Southern Planning Committee at the request of Cllr Hammond for the following reason:

Haslington Parish Council requested that the original application be 'called in' before it was eventually withdrawn. There are continuing concerns relating to the proposed access to the site together with the resulting reduction of car parking spaces at the Holly Bush Inn which would be exacerbated by additional customers emanating from the new dining enclosure which would be funded through this application as stated in the Design & Access Statement. It is felt that that this would lead to a detrimental impact on highway safety

contrary to Policies BE3 and TRAN.9 of the Crewe & Nantwich Replacement Local Plan.

I therefore support this further request from the Parish Council and ask that should the Officer recommendation be for approval then the application be determined by Committee. In this instance I would also strongly recommend that a site visit would be appropriate.

1. SITE DESCRIPTION

This application relates to an L-shaped parcel of land to the western side of Crewe Road within the Winterley Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The application currently forms part of the car park and associated landscaping to the Holly Bush Inn Public House and an area of undeveloped land to the rear. To the north of the site are modern detached residential properties which front onto Hollyfields. To the east of the site is the retained Public House and car-parking area with residential properties fronting onto Crewe Road (483-497). To the west of the site is agricultural land with a number of mature trees onto the rear boundary of the site.

2. DETAILS OF PROPOSAL

This is an outline planning application with all matters reserved for the erection of 3 detached two-storey residential units.

The indicative plan shows that there would be a single access point which would be taken off Crewe Road to the east of the site (to the south of No 1 Hollyfields).

3. PREVIOUS RELEVANT DECISIONS

13/2033N - Extension to time limit for planning application 10/1657N – Approved 26th June 2013

13/1085N - Four new detached two-storey dwellings on land to the rear of Public House with associated external works including new access road (outline) – Withdrawn 18th April 2013

10/1657N - New Building on Land to the Rear of Existing Public House Incorporating 15 Bedroom Guest Accommodation and Conference Facility. Enclosing on Existing Deck Area – Approved 4th August 2010

P03/0721 - Outline Application for the Conversion and Extension of Former Public House to Form 3 no Residential Dwellings and Provision of 7 no Two Storey Dwellings at Rear – Refused 26th August 2003

4. PLANNING POLICIES

National Policy

The 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)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.4 (Housing in Villages with Settlement Boundaries)

RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

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

Cheshire East Development Strategy

5. OBSERVATIONS OF CONSULTEES

Strategic Highways Manager: The application detail has addressed previous highway concerns which were considered against the application: 13/1085N and has provided an analysis of parking demand for the Public House and a junction design for the proposed development with geometry and visibility that meets standards. It is noted that the 'x'-distance for the visibility splay is set at 2.4 metres and it is recommended that this could be reduced to 2.0 metres which will reduce impact on the public house frontage.

With this modification to the visibility splay and the revised plan detail the Strategic Highways Manager accepts the proposed solution for this site on the basis of this revised information and also notes the reduction in units which are now served by 300% parking in accordance with the emerging draft CEC Parking standards.

The Strategic Highways Manager recommends that the conditions and an informative be attached to any permission which may be granted for this development proposal.

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

6. OTHER REPRESENTATIONS

Letters of objection have been received from 5 households in the area raising the following points;

- The submitted environmental survey is not specific for the site
- The traffic survey was undertaken during a bank holiday
- There is no mention of the on-road parking problems which exist
- There are a number of accidents at this dangerous junction
- The noise survey does not consider the affect of construction noise
- The access width is not safe
- The pub is up for sale and this could be the first step in the loss of the public house
- The traffic reports do not consider the recent approval for 44 dwellings within Haslington
- Poor visibility at the site entrance
- Existing flooding and drainage problems on this site
- If the beer garden is reduced in size it would have a greater impact upon neighbouring properties
- There is limited information in relation to the existing trees on the site
- The proposed access is located on a bad bend
- Vehicles which pass the site are usually exceeding the speed limit
- The number of junctions in the area would make an additional vehicle movement hazardous
- The reduction in car parking spaces would create on-street parking problems
- The proposed access would be harmful to residential amenity
- Piling could damage nearby properties
- Loss of the play area which is of important amenity value
- Loss of privacy
- Damage to shared boundaries
- Approving the application would set a precedent
- Impact upon protected species
- Potential impact upon trees that overhang the boundaries
- Local people should be put before profit
- Impact upon property value
- Loss of privacy
- Loss of light
- Potential loss of the public house which is currently up for sale
- Additional noise
- Harmful affect on the character of the terraced dwellings to the front of the site
- The submitted traffic survey does not make any reference to any accidents within the vicinity of the site
- Speeds of vehicles have been observed as between 28mph and 45mph. There were two instances of vehicles estimated at travelling in excess of 60mph
- On Monday 2nd September (between 14:00-15:00) 306 vehicles were observed to pass the Alsager Road junction (combined for north and south directions)
- On Wednesday 4th September (17:00-18:00) 558 vehicles were observed to pass the Alsager Road junction (combined for north and south directions)
- On Thursday 5th September (08:00-09:00) 666 vehicles were observed to pass the Alsager Road junction (combined for north and south directions)
- The traffic flows passing the site are substantial and vehicles pass the speed limit on a regular basis

A petition has signed by 33 local residents has also been received in objection to this application.

7. PARISH COUNCIL

Haslington Parish Council: No comments received at the time of writing this report

8. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Produced by Hive Architects Ltd)

Parking Analysis (Produced by Hive Architects Ltd)

Traffic Speed and Parking Survey (Produced by SK TP)

Ecology Survey (Produced by Apex Ecology)

Phase 1 Habitat Survey (Produced by Arbtech)

Contamination Questionnaire

Noise Assessment (Produced by SBM Safety Solutions)

Tree Survey & Report (Produced by Christians Environmental Ltd)

These documents are available to view on the Councils website.

9. OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 there is a 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 Winterley Settlement Boundary and Policy RES.4 of the Adopted Local Plan states that within Winterley housing on a small scale commensurate with the character of the village will be permitted. The site is therefore considered to be sustainably located.

The principle of development is therefore acceptable and supported by the NPPF and the Local Plan.

Amenity

The application is in outline form and the indicative plan shows that three dwellings would be positioned to the rear of the site. The proposed access would run along the rear boundaries of 1-4 Hollyfields.

Number 5 Hollyfields has a blank side elevation facing the application site. The indicative layout shows that there would be a separation distance of approximately 15 metres between the side of plot 1 and No 5 Hollyfields. This separation distance is acceptable.

The proposed access would have minimal impact upon 1-4 Hollyfields given the scale of the development and the existing use of the site as a public house car-park.

To the east of the site there would be a separation distance of approximately 40 metres to the rear elevations of the properties fronting Crewe Road. This exceeds the recommended separation distance of 13.5m between a principal and non-principal elevation as contained within the Councils SPD on Extensions and Householder Development.

In terms of the impact upon the residential amenities of the future occupiers a noise report has been produced to assess the impact of noise from the Holly Bush Public House. The noise assessment was carried out over one of the busiest weekends of the year on one of the hottest days of the year (when the terrace and beer garden would likely to be at their busiest).

The results show that the monitoring obtained a daytime L_{Aeq} (16hr) of 53dB and a night time L_{Aeq} (8hr) of 48dB. These measurements would place the site into Noise Exposure Categories A and B of PPG24 (now replaced by the NPPF). NEC Category B states that local planning authorities should take noise into account

when determining planning applications and require noise control measures. This is accepted by the Councils Environmental Health Officer who states that noise on the development area can be mitigated to acceptable levels as detailed in BS8233 (Sound insulation and noise reduction for buildings – Code of Practice'. Details of noise mitigation measures would be secured at the reserved matters stage.

Design

The application is in outline form with all matters reserved. The indicative layout shows that the proposed dwellings would be sited to the rear of the existing built development which fronts Crewe Road but would follow the existing line of dwellings to the north (5-8 Hollyfields). The proposed development would not appear out of character and would respect the pattern of development to the north. It is considered that an acceptable design and layout can be secured at the reserved matters stage.

Affordable Housing

The site is within the area covered by Haslington Parish which has a population of over 3,000. Therefore in accordance with policies the trigger for affordable housing would not apply in this case unless it was over 15 units.

Highways

All matters are reserved including access. However an indicative access plan has been submitted with this application and this shows that visibility splays of 2.4m x 51m can be achieved when looking north and 2.4m x 52m can be achieved when looking south. The highways officer accepts these visibility splays and states that the x-distance can be reduced to 2m from 2.4m.

The application includes a speed survey which indicates that the 85thile speed is 34mph northbound and 33.8mph southbound. Using the methodology within Manual for Streets to calculate stopping distances with a reduced x-distance, the visibility splays required would be 51.39m northbound and 50.89m southbound. As a result acceptable visibility splays can be achieved and this is accepted by the Councils Strategic Highways Manager.

The proposed development would result in the loss of a small area of car parking at the Public House, but 40 spaces would be retained. In support of the application a parking survey at the site has been provided from Friday 3rd May to Wednesday 8th May (including the Bank Holiday on Monday 6th May) with an additional survey on Saturday 11th May. The results of this survey show that the peak number of cars on the site was on Monday 6th May (the busiest day of the year with warm weather) with 27 vehicles parked within the car park. As a result it is considered that there would be more than adequate car-parking retained at the Public House and the proposed development would not result in parking being displaced onto the public highway.

A number of representations have been received about the highway safety implications of the development and the proximity of the site to existing junctions. In this case it should be noted that adequate visibility can be achieved and the development is of a small scale (just 3 dwellings). It should also be noted that there is an extant permission under application 13/2033N for 15 bedroom guest accommodation which would create a greater number of vehicle movements.

Trees

The submitted arboricultural report indicates that the indicative proposals would have the following impacts:

- 12 trees, 3 groups and 1 area of mixed shrubs will be lost due to the proposed development (7 of the trees are Grade A).
- 2 trees will be affected by the proposal (1 Grade A and 1 Grade B)
- 3 trees are recommended for removal due to poor overall condition.
- 1 Oak tree of poor quality will be retained and managed as a veteran tree due to requests by the owner to retain the tree

Whilst the indicative layout would result in the loss of trees afforded Grade A status in the tree report, the specimens in question form part of the ornamental planting to the public house car park and are not judged to have significant public amenity value. The loss of these trees is considered to be acceptable and the trees are not worthy of TPO protection.

The layout would allow for the retention of a section of the existing boundary vegetation which provides good separation from residential properties to the north although a further section would be lost. Replacement planting would be secured for any vegetation lost along the northern boundary by condition.

The trees proposed for retention on the western boundary would have a dominating influence on the gardens and rear elevations of proposed plot 1. Such a situation is likely to give rise to future concern to residents. One of the specimens is the above-mentioned veteran Oak tree which has significant structural defects.

The dwelling on plot 3 would encroach into the root protection area and crown spread of two retained trees. The social proximity of these trees to the dwelling would be not be acceptable.

However in this case the application is in outline form with all matters reserved, and given the size of the site an acceptable solution can be achieved at the reserved matters stage to address the concerns relating to the retention of trees.

Ecology

Bats

The large oak tree on the rear boundary has been identified as having a high potential to support roosting bats.

However no evidence of roosting bats was recorded during the inspection of the trees. In this case this tree would be retained and managed as a veteran tree and the Councils Ecologist advises that the proposed development is not reasonable likely to have an adverse impact on roosting bats.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. The proposed development will lead to a loss of hedgerows from the site with additional hedgerow planting proposed as part of the development. Further details of this would be provided at the Reserved Matters stage.

Breeding Birds

Planning conditions are required to safeguard breeding birds and these would be attached to any approval.

Other issues

The proposed development would leave a beer garden/terrace area to the rear of the public house of approximately 464sq.m. This is considered to be adequate and would not affect the retention of the public house.

The development is not located within area of flood risk and details of drainage will be dealt with at the reserved matters stage.

Each application is determined on its own merits and it is not considered that the determination of this application would set a precedent.

10. CONCLUSIONS

The proposed development relates to the provision of housing within the settlement boundary of Winterley which is acceptable in principle and complies with Policy RES.4.

The proposed development would not have a detrimental impact upon the amenities of the surrounding dwellings and mitigation can be secured to protect the future occupiers of the dwellings.

The provision of dwellings on this site would not appear out of character and an acceptable design solution can be negotiated at the reserved matters stage.

The development would not have a detrimental impact upon ecology.

None of the trees on this site are protected by a TPO. Although there would be some tree loss this would be limited to ornamental planting within the pub car park. There is adequate space within the site to provide 3 dwellings and to ensure that the trees to the boundaries are retained.

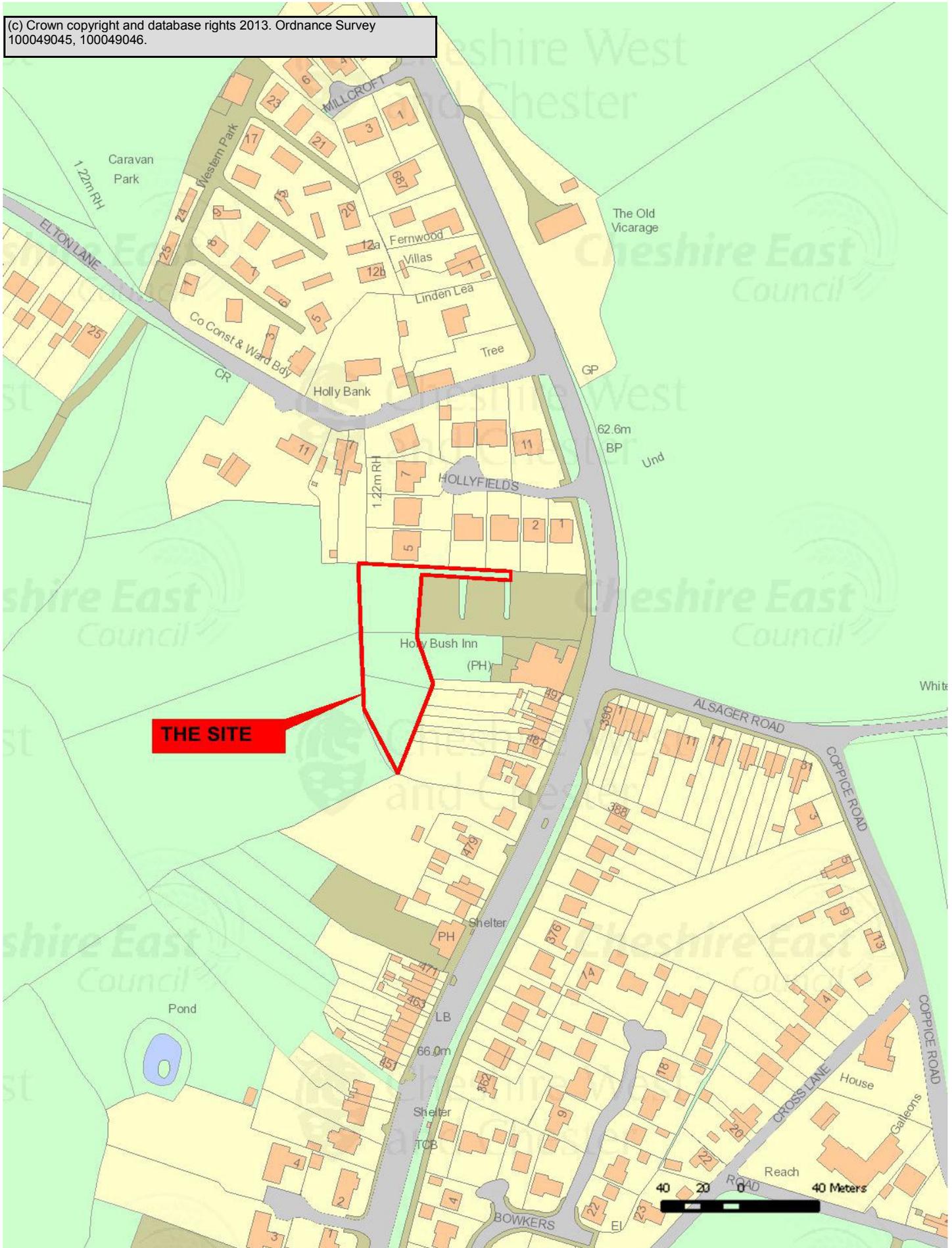
An acceptable access solution can be achieved with adequate visibility and parking to be retained to the public house. The highways impact of this development is considered to be acceptable.

11. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Time**
- 2. Time for Reserved Matters**
- 3. Approval of Reserved Matters**
- 4. Approved Plans**
- 5. No principal windows to side facing elevation of plot 3**
- 6. Hours of construction and pile driving activities**
- 7. Noise mitigation scheme**
- 8. Maximum of 3No dwellings**
- 9. No works within the breeding bird season**
- 10. Nesting bird mitigation measures**
- 11. At the reserved matters stage the developer will provide a revised access plan which takes into account the recommended revision of the 'x'-distance to the visibility splay.**
- 12. Prior to first occupation, the proposed access will be constructed and the revised visibility splays provided – without impediment – in accordance with the revised plan required in Condition 11.**

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Application No: 13/2757N

Location: AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM, CREWE, CHESHIRE, CW3 0BA

Proposal: Extension To Time Limit On Application 10/1551N (Relating To Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderly)

Applicant: R C Chawner, Keenrick Nursing Homes

Expiry Date: 17-Oct-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

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

REASON FOR REFERRAL

This application is to be determined by the Southern Committee because planning permission is sought for 13 new-build dwelling units and the conversion of an existing building to an additional 9 units. The previous application was determined by the Southern Planning Committee at the meeting on 21st July 2010.

1. DESCRIPTION OF SITE AND CONTEXT

The site is an area of sloping grass / garden land within the curtilage of Audlem Nursing Home which fronts Vicarage Lane. The site is bounded on the southern and western sides by timber post and rail and trellis fencing with boundary planting in the form of established hedging and trees. Breeze House, part of the existing accommodation, is located to the east and the existing home to the north. Audlem Nursing Home is based around the original Audlem Grammar School which has itself had many extensions at different times in its history. The land which is the subject of these extensions was at one time covered in buildings. The site is clearly seen from the public footpaths to the south but trees and hedges around the site screen views into the site for much of the summer when seen from Vicarage Lane, when close to the site.

The nursing home is a Grade II* listed building constructed in brick with a slate roof, the earlier part having been built in 1655 with the Headmaster's House added in 1770. Later nineteenth and

twentieth century additions are also present. The modern extension to the main building is single storey and Breeze House, adjacent to the site entrance, is one and a half storey. The site is also within the Audlem Conservation Area and within the settlement boundary for Audlem.

2. DETAILS OF PROPOSAL

This is an application for an extension in time to the full planning permission renewed in 2010 reference 10/1551N which was originally granted in 2005 under reference P05/0007. In considering the application the Authority should consider whether there have been any material changes in circumstance since the original permission was issued, which would justify a different decision on the application.

The 2005 planning permission granted consent for one and a half and two storey extensions with one area, where the lift would be accommodated, rising to three storeys. The development seeks planning permission for a total of 22 new units some of which would be accommodated in the single storey extension on the west of the nursing home. However the application is also considered to be for a change of use from a C2 nursing home to a sui-generis use which would include fully nursed care and independent living units and also the facility for people living independently to receive some degree of care and nursing when required. In total the existing buildings and new accommodation would be fully refurbished to form accommodation for 17 residents with full care nursing who would be housed in the original nursing home, 3 residents in Breeze House and 28 residents in new or converted apartments. This would include 9 units created from the existing single storey accommodation and 13 in new build apartments. The extended nursing home would provide accommodation for a maximum of 48 residents.

It is anticipated that a maximum of 10 staff would be present at any one time and 24 hour care would be provided. There would be no resident warden or manager. A total of 20 car parking spaces would be provided to serve the development as a whole. This would provide an increase of 8 new spaces for the new development.

The development would be divided into small units, broken by gables with some elements set forward of others. The design includes dormer windows, balconies, bays and a galleried walkway at first floor level on the rear. This would overlook a garden area surrounded on three sides by built development. A lounge extension is also proposed to the existing single storey accommodation.

3. RELEVANT HISTORY

13/2758N - Extension to Time Limit on Application 10/1912N (Relating To Listed Building Consent For Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderley) – Application under consideration

10/1912N - Listed Building Consent for Extension to Time Limit - Extensions & Alterations to Existing Care Home to Provide Self-Contained Accommodation for the Elderly – Approved 26th July 2010

10/1551N - Extension to Time Limit for P05/0007 Relating to Extensions & Alterations to Existing Care Home to Provide Self-Contained Accommodation for the Elderley – Approved 26th July 2010
P05/0007 Extensions and Alterations to existing care home to provide self contained accommodation for the elderly. Approved 3rd May 2005

P05/0710 LBC for extensions and alteration to existing care home for self contained accommodation for the elderly. Approved 9th September 2005

P01/0543 Extension and detached building to provide additional accommodation. Approved 17th July 2001.

P01/0533 LBC for extension and detached building to provide additional accommodation. Approved 3rd August 2001

P98/0065 LBC for extensions to provide staff room, day room and three bedrooms. Approved 9th July 1998.

P98/0064 Extensions to provide staff room, day room and three bedrooms. Approved 10th June 1998.

P97/0982 LBC for single storey extension. Withdrawn.

7/15784 LBC for single storey extension. Approved 14th October 1988.

7/15783 Single storey extension. Approved 4th August 1988.

7/15246 Extension to nursing home. Refused 9th June 1988.

7/15247 LBC for a 22 bedroom extension to nursing home. Refused 9th June 1988

7/12212 LBC for 2 bed extension to nursing home. Approved 1st August 1985.

7/12212 Two bed extension to nursing home. Approved 1st August 1985

7/11196 Conversion to a 24 bed residential home for elderly. Approved 19th July 1984.

7/11197 Conversion to a 24 bed residential home for elderly. Approved 13th August 1984.

4. POLICIES

National policy

National Planning Policy Framework

Local Plan policy

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and parking)

BE.4 (Drainage Utilities and Resources)

BE.7 (Conservation Areas)

BE.9 (Listed Buildings: Alterations and Extensions)

BE.16 (Development and Archaeology)

RES. 4 (Housing in Villages with Settlement Boundaries)

RES.7 (Affordable Housing within Settlement Boundaries)

TRAN.9 and Appendix 8.1 (Car Parking)

Other Material Planning Considerations

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

Environmental Health: No objection

Highways: No comment

English Heritage: The application should be determined in accordance with the national and local policy guidance and on the basis of your expert conservation advice.

Archaeology: Condition suggested.

Environment Agency: No objection

Audlem Amenities Society: No comments received

The Society for the Protection of Ancient Buildings: No comments received

The Ancient Monuments Society: No comments received

The Georgian Group: No comments received

The Victorian Society: No comments received

United Utilities: No comments received

6. PARISH COUNCIL

No comments received

7. OTHER REPRESENTATIONS

Letters of objection have been received from 2 local households raising the following points:

- Loss of the last remaining green space on the site
- Vicarage Lane is too narrow
- The existing sewage system is overloaded
- Limited visibility along Vicarage Lane
- Increase in vehicular movements would be detrimental to highways and pedestrian safety
- Flooding
- Drainage issues

8. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009 (and subsequently extended for a further year for applications granted before 1st October 2010). The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at

issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

Since the original planning application was approved the National Planning Policy Framework (NPPF) has been published. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. This site is within the Audlem Settlement Boundary where the principle of development is considered to be acceptable. The proposed development is supported by the NPPF which states that for decision taking this means *'approving development proposals that accord with the development plan without delay'*.

In terms of the contents of the NPPF in relation to sustainable development, design, amenity, drainage/flood risk, highways, the built heritage and the environment, it is considered that the NPPF is still consistent with the Local Plan and it is not necessary to reconsider these elements against the NPPF.

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

Since the last application was approved the RSS has been abolished. However, it is not considered that this would affect the determination of this application as there is still support within the Local Plan and as part of the NPPF.

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

11. CONCLUSIONS

There have been no material changes since the determination of the last application. The application is therefore recommended for approval.

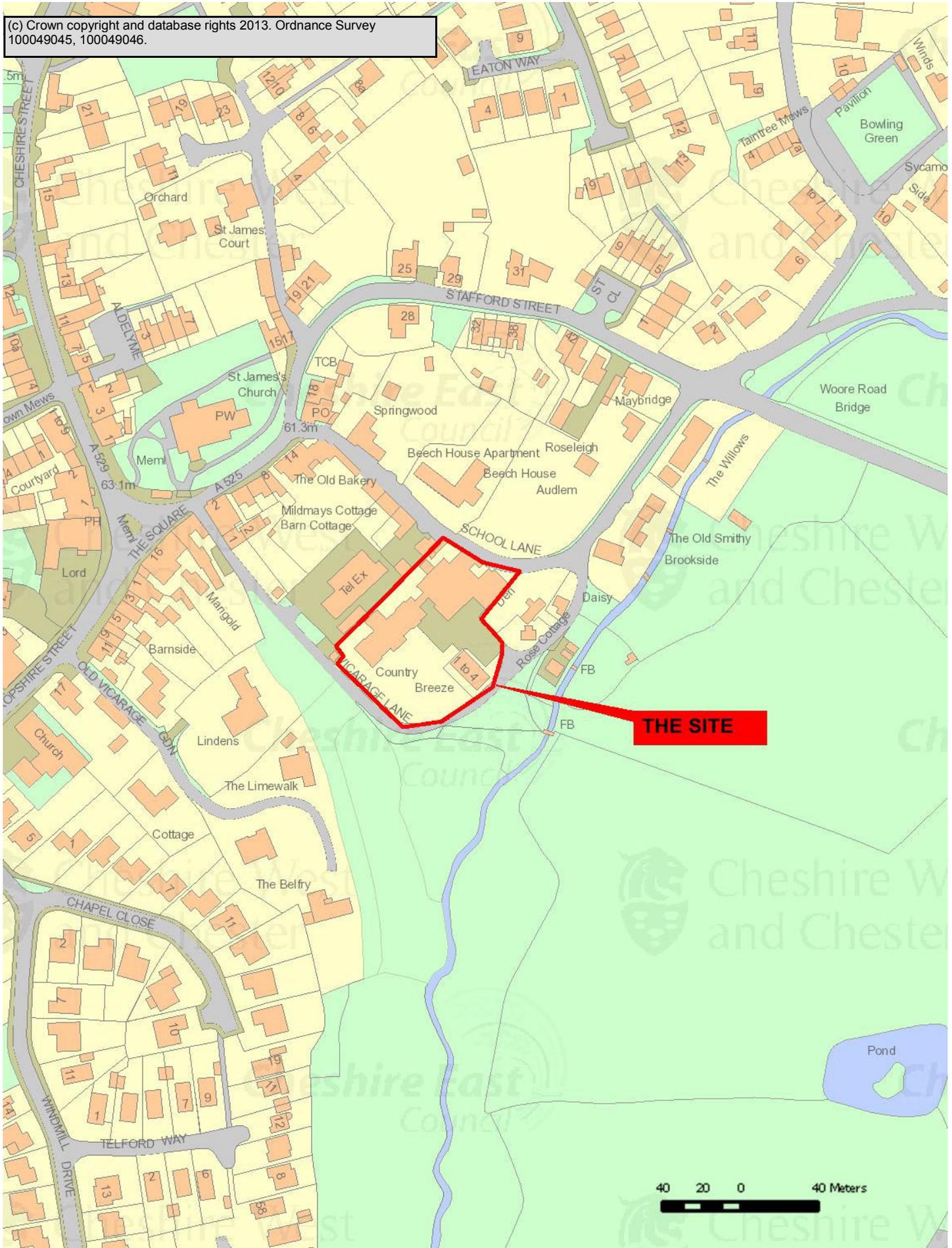
12. RECOMMENDATIONS

APPROVE with conditions

- 1. Commence development within 3 years.**
- 2. Development in accordance with approved plans.**
- 3. Samples of materials to be submitted, approved and used in the construction of the building.**

- 4. Use of the premises as a nursing home together with self contained units for persons needing close care and other persons who may wish to live more independently where nursing care may be available if required and for no other purpose whatsoever. Occupants of the independent living units including close care units should be aged 60 years or more, or in the case of 2 bed units at least one of the occupants should be aged 60 years or more.**
- 5. Details of boundary treatment to be submitted, approved and implemented**
- 6. Details of appearance of ramps, guides, rails and finishes to be submitted, approved and implemented.**
- 7. Details of appearance of balconies and galleries to be submitted, approved and implemented**
- 8. Details of surfacing materials to be submitted, approved and implemented.**
- 9. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved.**
- 10. Implementation and maintenance of landscaping and tree protection measures.**
- 11. Archway between the reception area/ lift and unit 12 shall not be enclosed without the prior submission and approval of a separate planning application.**
- 12. Prior to first use of the development, provision of car park as per site layout and retention.**
- 13. Programme of archaeological work to be submitted, approved and implemented.**
- 14. Access to the site only via School Lane between Roseleigh and The Smithy and sign to be provided at entrance to the site to confirm this in accordance with details to be submitted and approved.**

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Application No: 13/2758N

Location: AUDLEM COUNTRY HOME, SCHOOL LANE, AUDLEM, CREWE, CHESHIRE, CW3 0BA

Proposal: Extension To Time Limit On Application 10/1912N (Relating To Listed Building Consent For Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderly)

Applicant: R C Chawner, Keenrick Nursing Homes

Expiry Date: 17-Oct-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

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

REASON FOR REFERRAL

This application is to be determined by the Southern Committee because listed building consent is sought for 13 new-build dwelling units and the conversion of an existing building to an additional 9 units. The previous application was determined by the Southern Planning Committee at the meeting on 21st July 2010.

1. DESCRIPTION OF SITE AND CONTEXT

The site is an area of sloping grass / garden land within the curtilage of Audlem Nursing Home which fronts Vicarage Lane. The site is bounded on the southern and western sides by timber post and rail and trellis fencing with boundary planting in the form of established hedging and trees. Breeze House, part of the existing accommodation, is located to the east and the existing home to the north. Audlem Nursing Home is based around the original Audlem Grammar School which has itself had many extensions at different times in its history. The land which is the subject of these extensions was at one time covered in buildings. The site is clearly seen from the public footpaths to the south but trees and hedges around the site screen views into the site for much of the summer when seen from Vicarage Lane, when close to the site.

The nursing home is a Grade II* listed building constructed in brick with a slate roof, the earlier part having been built in 1655 with the Headmaster's House added in 1770. Later nineteenth and

twentieth century additions are also present. The modern extension to the main building is single storey and Breeze House, adjacent to the site entrance, is one and a half storey. The site is also within the Audlem Conservation Area and within the settlement boundary for Audlem.

2. DETAILS OF PROPOSAL

This is an application for an extension in time to the Listed Building Consent granted in 2010 under reference 10/1912N which was originally granted in 2005 under reference P05/0710. In considering the application the Authority should consider whether there have any material changes in circumstance since the original permission was issued, which would justify a different decision on the application.

The 2005 Listed Building Consent granted consent for one and a half and two storey extensions with one area, where the lift is accommodated rising to three storeys. The development seeks approval for a total of 22 new units some of which would be accommodated in the existing single storey extension on the west of the nursing home. A total of 20 car parking spaces would be provided to serve the home as a whole. This provides an increase of 8 new spaces for the new development.

The development would be divided into small units, broken by gables with some elements set forward of others. The design includes dormer windows, balconies, bays and a galleried walkway at first floor level on the rear. This would overlook a garden area surrounded on all sides by built development. A lounge extension is also proposed to the existing single storey accommodation.

The application is submitted with application 13/2757N also reported on this agenda.

3. RELEVANT HISTORY

13/2757N - Extension to Time Limit on Application 10/1551N (Relating To Extensions And Alterations To Existing Care Home To Provide Self Contained Accommodation For The Elderly) – Application under consideration

10/1912N - Listed Building Consent for Extension to Time Limit - Extensions & Alterations to Existing Care Home to Provide Self-Contained Accommodation for the Elderly – Approved 26th July 2010

10/1551N - Extension to Time Limit for P05/0007 Relating to Extensions & Alterations to Existing Care Home to Provide Self-Contained Accommodation for the Elderly – Approved 26th July 2010
P05/0007 Extensions and Alterations to existing care home to provide self contained accommodation for the elderly. Approved 3rd May 2005

P05/0710 LBC for extensions and alteration to existing care home for self contained accommodation for the elderly. Approved 9th September 2005

P01/0543 Extension and detached building to provide additional accommodation. Approved 17th July 2001.

P01/0533 LBC for extension and detached building to provide additional accommodation. Approved 3rd August 2001

P98/0065 LBC for extensions to provide staff room, day room and three bedrooms. Approved 9th July 1998.

P98/0064 Extensions to provide staff room, day room and three bedrooms. Approved 10th June 1998.

P97/0982 LBC for single storey extension. Withdrawn.

7/15784 LBC for single storey extension. Approved 14th October 1988.
7/15783 Single storey extension. Approved 4th August 1988.
7/15246 Extension to nursing home. Refused 9th June 1988.
7/15247 LBC for a 22 bedroom extension to nursing home. Refused 9th June 1988
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7/12212 Two bed extension to nursing home. Approved 1st August 1985
7/11196 Conversion to a 24 bed residential home for elderly. Approved 19th July 1984.
7/11197 Conversion to a 24 bed residential home for elderly. Approved 13th August 1984.

4. POLICIES

National policy

National Planning Policy Framework

Local Plan policy

BE.7 (Conservation Areas)
BE.9 (Listed Buildings: Alterations and Extensions)
BE.16 (Development and Archaeology)

Other Material Planning Considerations

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

5. CONSULTATIONS (External to Planning)

English Heritage: The application should be determined in accordance with the national and local policy guidance and on the basis of your expert conservation advice.

Archaeology: Condition suggested.

Environment Agency: No objection

Audlem Amenities Society: No comments received

The Society for the Protection of Ancient Buildings: No comments received

The Ancient Monuments Society: No comments received

The Georgian Group: No comments received

The Victorian Society: No comments received

United Utilities: No comments received

6. PARISH COUNCIL

No comments received

7. OTHER REPRESENTATIONS

No representations received

8. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Extensions to the time limit for implementing existing planning permissions/Listed Building Consents was brought into force on 1 October 2009 (and subsequently extended for a further year for applications granted before 1st October 2010). The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

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

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

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

Since the original planning application was approved the National Planning Policy Framework (NPPF) has been published. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. This site is within the Audlem Settlement Boundary where the principle of development is considered to be acceptable. The proposed development is supported by the NPPF which states that for decision taking this means '*approving development proposals that accord with the development plan without delay*'.

In terms of the contents of the NPPF in relation to built heritage, it is considered that the NPPF is still consistent with the Local Plan and it is not necessary to reconsider these elements against the NPPF.

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

Since the last application was approved the RSS has been abolished. However, it is not considered that this would affect the determination of this application as there is still support within the Local Plan and as part of the NPPF.

There are no changes on this site or adjoining the site and the findings of the original report in relation to the design of the proposal and the impact upon Conservation Area and setting of the Listed Buildings still apply. The proposed development is therefore recommended for approval.

11. CONCLUSIONS

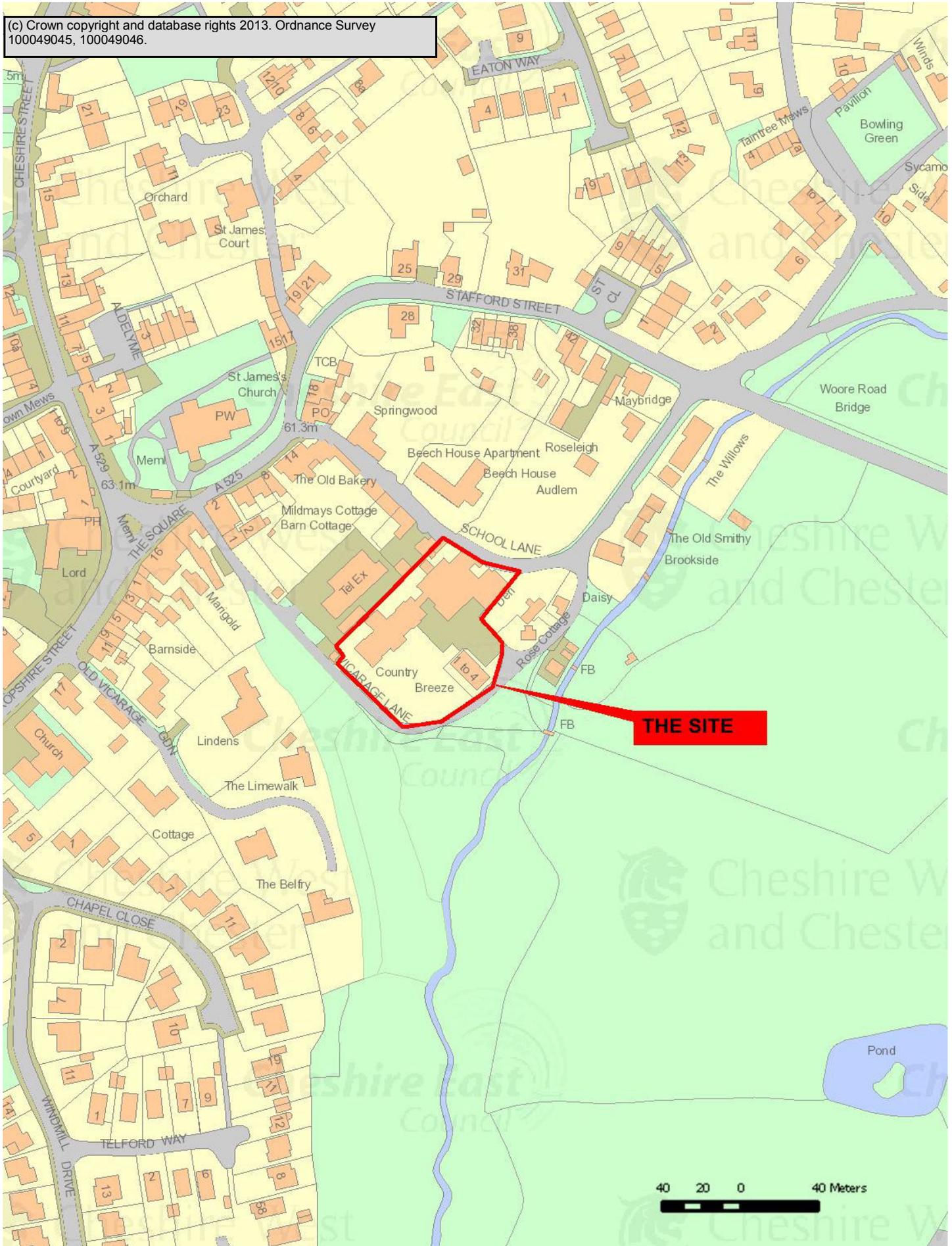
There have been no material changes since the determination of the last application. The application is therefore recommended for approval.

12. RECOMMENDATIONS

APPROVE with conditions

- 1. Commencement within 3 years**
- 2. Plans as per P05/0710**
- 3. Samples of materials to be submitted, approved and used in the construction of the building.**
- 4. Detailed schedule of works and drawings together with a materials schedule for windows, doors, brickwork, stone work, plaster, roof materials, rain water goods, to be submitted approved and implemented.**
- 5. Details of surfacing materials to be submitted, approved and implemented.**
- 6. Details of appearance of balconies and galleries to be submitted, approved and implemented.**
- 7. Details of boundary treatment to be submitted, approved and implemented.**
- 8. Landscaping scheme together with any trees/hedges to be retained and measures for their protection to be submitted and approved.**
- 9. Implementation and maintenance of landscaping and tree protection measures.**
- 10. Details of appearance ramps including guides, rails and finishes to be submitted, approved and implemented.**

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Application No: 13/2847N

Location: 89A, BRADFIELD ROAD, CREWE, CW1 3RB

Proposal: Removal of Condition 8 (Renewable Energy) on Approval 13/0130N - Demolition of Existing Bungalow & Garage and Construction of 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses

Applicant: Mr N Powell, Wulvern Housing

Expiry Date: 14-Oct-2013

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES****Impact of the development on:-
Principal of the Development
Renewable Energy****REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to the removal of a planning condition attached to a small scale major development. The original application was determined by the Southern Planning Committee at the meeting on 27th February 2013.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the southern side of Bradfield Road within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The approved development has now commenced and the buildings which stood on the site have now been demolished. The area is predominantly residential with residential dwellings to the north, south and west. To the east of the site is an existing area of public open space.

2. DETAILS OF PROPOSAL

This application relates to the removal of condition 8 attached to planning permission 13/0130N. Condition 8 states:

The development shall not begin until details of how the proposed development will secure at least 10% of its predicted energy requirements from decentralised and renewable or low-carbon

sources shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details which shall thereafter be retained.

Reason: To ensure that the development secures 10% of its predicted energy requirements from decentralised and renewable or low-carbon sources in accordance with Policy EM18 of the North West of England Regional Spatial Strategy to 2021.

Planning permission 13/0130N relates to the erection of 16 residential properties which would be a mix of terraced dwellings and two small blocks of apartments. All properties would be two stories in height. One central access point would be provided at the same point as the existing access.

3. RELEVANT HISTORY

13/0130N - Demolition of Existing Bungalow & Garage. Construction of: 4 One Bed Apartments, 8 Two Bed Houses & 4 Three Bed Houses – Approved 28th February 2013

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

E.7 – Existing Employment Sites

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)

N/A

6. TOWN COUNCIL

Concern is expressed regarding the impact of additional traffic on the area

7. OTHER REPRESENTATIONS

No representations received

8. APPLICANT'S SUPPORTING INFORMATION

N/A

9. OFFICER APPRAISAL

Principle of Development

The principle of this proposed development has already been accepted as part of the approval of application 13/0130N and the development has now commenced. Therefore, this application does not provide an opportunity to re-examine those issues. The only matter to consider in the determination of this application is the removal of condition 8.

Renewable Energy

Condition 8 was attached to ensure that the development secures 10% of its predicted energy requirements from decentralised or low-carbon sources in accordance with Policy EM18 of the North West of England Regional Spatial Strategy to 2021.

Since planning permission was granted for application 13/0130N the Secretary of State has abolished the Regional Spatial Strategy for the North West.

There is no policy within the NPPF which requires that a development secures 10% renewable and there is no Policy within the Borough of Crewe and Nantwich Local Plan. Circular 11/95 (Use of Conditions in Planning Permissions) makes it clear that a condition should only be used where it is necessary to make a development acceptable in planning terms (i.e. to comply with Planning Policy where it would not otherwise do so).

As the only Policy referred to within the reason for the condition has been abolished with no replacement to require 10% renewable provision it is considered that the Local Planning Authority cannot require the condition to be retained. As a result the removal of the condition is acceptable.

10. CONCLUSIONS

As the RSS has been abolished it is considered that the removal of condition 8 is acceptable.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. External Lighting to be carried out in accordance with plan reference 009518**
- 5. Development to be carried out in accordance with the Phase I and Phase II Contaminated Land Report. Details of the completion of the remediation and validation works to be submitted to the LPA for approval in writing**
- 6. Compliance with the approved materials**
- 7. Implementation of landscaping shown on plan reference 009516**
- 8. Boundary Treatment details to be implemented in accordance with plan reference 009516**
- 9. Obscure glazing to side elevation of plots 3 and 11**
- 10. Implementation of the approved nesting bird mitigation measures**
- 11. Dwellings to be retained as affordable housing**

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

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CHESHIRE EAST COUNCIL**SOUTHERN PLANNING COMMITTEE**

Date of meeting: 18 September 2013
Report of: David Malcolm – Southern Development Manager
Title: Forthcoming Appeal concerning Application 12/3807c (Land Adj to Rose Cottages, Holmes Chapel RD, Somerford - material change since application was refused on 13 December 2012 which require Committee's further consideration during the life of the ongoing Appeal to enable Officer's to put forward the Council's current position to the forthcoming planning appeal with regard to housing land supply.

1.0 Purpose of Report

- 1.1 To appraise Members of the implications for the forthcoming appeal having regard to the publication and adoption of the Development Strategy on 6 December 2012 and the 2012 SHLAA on 11 February 2013.
- 1.2 The Appeal is presently proceeding on the basis of a Public Inquiry due to commence on 15 October 2013.

2.0 Decision Required

- 2.1 To authorise Officers to contest the forthcoming planning appeal in respect of the site at land adj Rose Cottages, Somerford, as set out in the recommendation below.

3.0 Background

- 3.1 Members will recall that, contrary to the Officers recommendation, they refused permission for 25 dwellings on 13 December 2012 for the following reason;

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

outweigh the benefits, of the increase in housing land supply. The proposed development is therefore contrary to the NPPF.

3.2 Since 13 December 2012, there have been a number of changes in the Council's policy position with regard to the Housing Land Supply as well as the publication and adoption of both the emerging Development Strategy and the most recent SHLAA (2012) which have significant implications for forthcoming appeal. In this case the appeal is proceeding in the light of the Committee resolution on 13 December 2012 .

3.3 The changes in the Housing Land Supply as expressed in the 2012 SHLAA, namely that the Council can now demonstrate a five year housing land supply is a material change in circumstances since this case was originally determined.

Housing Land Supply

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

3.5 The sub-text to Policy H6 states that "*limited development is defined as the building of a single or small group of dwellings*". Whilst no definition is provided for the term "*small group*", it is considered that 25 dwellings does not constitute "limited development" and that there is a conflict with Policy H6.

3.6 A narrow triangle of land at the rear of the site lies outside the infill boundary line as shown on the local plan map. This also represents a departure from adopted local plan policy although given that this area of land is proposed predominantly for use as public open space and garden, with the gable end of plot 8 being the only built form within this part of the site, the impact on the openness of the countryside is comparatively minor.

3.7 Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The most important consideration in this case is the National Planning Policy Framework (NPPF).

3.8 Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which

was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East.

3.9 At the time that this application was originally determined by Southern Planning Committee, the most up-to-date information about housing land supply in Cheshire East was contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012. The SHLAA put forward a figure of 3.94 years housing land supply. Once the 5% buffer was added, the Borough had an identified deliverable housing supply of 3.75 years.

3.10 The NPPF clearly states at paragraph 49 that:

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

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

- *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

3.12 Consequently, the main issues in the consideration of this application, and the appeal are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

3.13 In determining the application Members concluded that at that time the benefits in terms of housing land supply outweighed the conflict with the development plan in terms of the fact that this number of units did not represent “limited infilling”, and the development would result in the loss of the triangle of open countryside to the rear of the site. However, they felt that, as stated in the reason for refusal, the proposal did not constitute sustainable development, due to its remote location, isolated from shops, services, employment sites, schools and other facilities and therefore the presumption in favour of sustainable development did not apply, regardless of the housing land supply position at that time.

- 3.14 It was concluded that the adverse impacts of approving the development in sustainability terms would significantly and demonstrably outweigh the benefits, of the increase in housing land supply at that time. The proposed development was therefore contrary to the NPPF.
- 3.15 However, since the decision to refuse the application, more up-to-date information about housing land supply in Cheshire East has been published in the form of the Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.
- 3.6 The Council's housing policy position is constantly moving with new advice, evidence and case law emerging all the time. However, the Decision Maker (the Inspector) has a duty to consider appeals on the basis of the information that was pertinent at determination time. By virtue of the fact that the Appeal is still ongoing and a decision has yet to be reached, this application has yet to be determined by the Inspector. It is therefore appropriate that the Committee consider the position that it takes at the forthcoming Appeal in the light of the changed circumstances. Consequently, it is recommended that the Committee consider its stance in the context of the 2013 SHLAA and the Emerging Development Strategy.
- 3.7 Having regard to the need to provide a 5% buffer, as set out above, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.
- 3.8 However, given that Cheshire East can now demonstrate a five year supply of housing land, it is considered that policies H6 and PS8 which protect Open Countryside are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Accordingly, greater weight can be attached to the conflict with the adopted local plan policy in respect of the fact that this did not represent "limited infilling", and the development of the triangle of open countryside to the rear of the site.
- 3.9 Furthermore, the emergence of the 5 year housing land supply, further reduces the case for major development in an inherently unsustainable location, isolated from shops, services, employment sites, schools and other facilities, In summary, given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could be accommodated elsewhere in a more sustainable location.
- 3.10 Neither Somerford nor Brereton Heath have any allocated strategic sites within the emerging Development Strategy, which reflects their inherently

unsustainable location. The Borough's housing need in this area will be adequately catered for by a number of strategic sites which have been identified in Holmes Chapel and Congleton, which are the nearest sustainable service centres.

Conclusion – Housing land Supply

- 3.11 The site is within the Open Countryside where under Policy PS8 and H6 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:

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

specific policies in the Framework indicate development should be restricted.

- 3.12 The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years. Therefore the presumption in favour of sustainable development does not apply in this case and policies regarding the protection of open countryside and the restriction of development within infill boundary lines to "limited infilling" remain up-to-date. Furthermore, the proposal, due to its remote location, isolated from shops, services, employment sites, schools and other facilities, coupled with its scale, remains un-sustainable development.

4.0 Proposed Recommendation

- 4.1 The formal planning decision notice has already been issued. However, in the light of material change in circumstances in this case, the Development Plan policies are not out of date. Additionally, the appeal proposal do not accord with the emerging Development Strategy. It is recommended that the Council contests the appeal on the following basis - :

The proposal, due to its remote location, isolated from shops, services, employment sites, schools and other facilities, coupled with it's scale, which is not considered to be "limited infilling"; does not constitute sustainable development. Given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could be accommodated elsewhere in a more sustainable location. The proposed development is therefore contrary to policies PS8 and

H6 of the adopted Congleton Borough Local Plan First Review and the National Planning Policy Framework.

Additionally, given the Appeal is proceeding, to ensure appropriate provision of affordable housing and play space provision on site, it is also recommended that the Borough Solicitor be authorised to enter into a S106 Legal Agreement/ Unilateral Undertaking negotiations with the Applicants' legal representatives.

5 Financial Implications

- 5.1 There is a danger that the Appellant will seek costs in respect of any new evidence which the Council seek to introduce at the Planning Appeal if it is unreasonable.
- 5.2 It is not considered that the change in the Housing Land Supply position during the life of this appeal can be regarded as being unreasonable given that it is a matter to which the Decision Maker must have regard to in determining the appeal.

6 Legal Implications

- 6.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

7 Risk Assessment

- 7.1 There are no risks associated with this decision.

8 Reasons for Recommendation

- 8.1 To allow the Council to contest the forthcoming appeal in respect of this application.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Susan Orrell – Principal Planning Officer
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Email: sue.orrell@cheshireeast.gov.uk

Background Documents:

- *Application 12/3807c*