

Southern Planning Committee

Agenda

Date: Wednesday, 11th December, 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 - 8)

To approve the minutes of the meeting held on 13 November 2013.

4. **Public Speaking**

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

Please contact Julie Zientek on 01270 686466

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

Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

5. **12/3846C 2 Mount Pleasant Road & 50 The Banks, Scholar Green, Odd Rode: Demolish 2 existing bungalows and erection of 5 new build dwellings (Three detached and one pair of semi-detached) for Mr Neil Hamand (Pages 9 - 16)**

To consider the above planning application.

6. **13/2186C Millpool Way/Newall Avenue, Sandbach, Cheshire CW11 4BU: Residential development of 39No, 2 & 2.5 storey, 1, 2 & 3 Bedroom detached & mews style properties and associated works for Mr Stephen Miller, Morris Homes Limited (Pages 17 - 32)**

To consider the above planning application.

7. **13/2277N Top End Farm, Barthomley Road, Barthomley, Cheshire CW2 5NT: Lawful Development Certificate For Use Of The Land And Building For The Storage, Blending And Adaptation Of Fertilisers For Sale for Mr Mark Able (Pages 33 - 38)**

To consider the above planning application.

8. **13/2631C Land Off New Platt Lane, Allostock, Cheshire: Full Planning Application For A Residential Development Comprising Demolition Of Existing Poultry Houses And Erection Of 38 Dwellings With Associated Access And Landscaping. (Access Road Only Within Cheshire East. Main Part Of Development In Cheshire West And Chester) for Mr Peter Kilshaw, Bloor Homes Ltd (Pages 39 - 60)**

To consider the above planning application.

9. **APPLICATION WITHDRAWN FROM THE AGENDA 13/3294C Former Fisons Site, London Road, Holmes Chapel, Cheshire CW4 8BE: Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping for Bluemantle Ltd & Sainsbury's Supermarket (Pages 61 - 78)**

To consider the above planning application.

10. **13/3915C Cresswell Farm, Chells Hill, Church Lawton ST7 3RL: Erection of essential rural workers dwelling (retrospective) for head herdsman (resubmission) for Mr David Moss** (Pages 79 - 86)

To consider the above planning application.

11. **13/4002N South Cheshire College, Dane Bank Avenue, Crewe, Cheshire CW2 8AB: The erection of 50 dwellings, associated access, parking and public open space on land at South cheshire college, Crewe. (Reserved Matters) for Scott McKimmie, Redrow Homes NW** (Pages 87 - 104)

To consider the above planning application.

12. **13/4045C Land At Havannah Street, Congleton: Proposed demolition of existing buildings and erection of 17No dwellings, comprising 8No one bedroom flats and 9No two bedroom houses for Mike Watson, Plus Dane Housing Association/STG** (Pages 105 - 120)

To consider the above planning application.

13. **13/4382N Sir William Stanier Community School, Ludford Street, Crewe CW1 2NU: 100% Affordable Housing Development comprising 60no. one and two bed flats, 47no. two and three bed semi detached and mews houses and ancilliary works for Renew Land Developments Ltd** (Pages 121 - 140)

To consider the above planning application.

14. **13/4073N Westminster Street Park in Crewe., Westminster Street, Crewe: Installation of a control kiosk, pressure relief column, Hardstanding, Landscaping and drop kerb operational access required in connection with a flood relief scheme at Westminster Park, Crewe. Resubmission of 13/2937N for United Utilities** (Pages 141 - 146)

To consider the above planning application.

15. **13/4192C 2, Bedford Grove, Alsager ST7 2SR: Retrospective change of use of open space land to domestic curtilage land, erection of 2m high boundary fence for Mr Christian Preece** (Pages 147 - 152)

To consider the above planning application.

16. **13/4194N 'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire, CW11 4RP: Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works for Mr Michael & Neil Ghosh** (Pages 153 - 166)

To consider the above planning application.

17. **13/4266C Land Adjacent to Sandyacre, 51 Main Road, Goostrey, Crewe, CW4 8LH: Constuction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C) for Mrs A Rose (Pages 167 - 184)**

To consider the above planning application.

18. **13/4323N Brooklands House, Ford Lane, Crewe, Cheshire CW1 3JH: Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping for Ann Lander, Wulvern Housing Ltd (Pages 185 - 196)**

To consider the above planning application.

19. **13/4442C Saxon Cross Motel, Holmes Chapel Road, Sandbach CW11 1SE: Variation of condition 5 on approval 11/2018C - Demolition of Existing Hotel on the Site. Change of Use from a Category C1 Development to a Mixed Use of Category B1 and B8. Construction of a Single-Storey Office Building and Warehouse Building. New Hard Landscaping Associated with the Proposed Development, Including Relocation of Vehicular Access for Jonathan Bolshaw, Bolshaw Industrial Powders (Pages 197 - 202)**

To consider the above planning application.

20. **13/3680C Land At 50A, Nantwich Road, Middlewich, Cheshire CW10 9HG: Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings for P.E. Jones (Contractors) Limited (Pages 203 - 212)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 13th November, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Rachel Goddard (Senior Lawyer)
Vikki Jeffrey (Senior Policy Officer - Housing Strategy)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

There were no apologies for absence.

91 DECLARATIONS OF INTEREST

With regard to application number 12/3846C, Councillor R Bailey declared that, as it may be considered that she had fettered her discretion, she would exercise her separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

92 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 October 2013 be approved as a correct record and signed by the Chairman.

**93 13/3102N BOMBARDIER TRANSPORTATIONS, WEST STREET,
CREWE CW1 3JB: ERECTION OF 119 FAMILY HOUSES
(COMPRISING 94 2-BED AND 25 3-BED DWELLINGS) AND 24 1-BED
APARTMENTS (IN A SINGLE BLOCK), LANDSCAPING, CAR
PARKING AND ASSOCIATED WORKS FOR JANE ASPINALL,
COUNTRYSIDE PROPERTIES (UK) LTD**

Note: Councillor S Davies arrived during consideration of this item but did not take part in the debate or vote.

Note: Ms J Aspinall and Mr Jones attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) 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

Confirmation that a bat survey is not required

The satisfactory completion of a S106 agreement to secure:

- All units to be affordable
- Affordable Rented Dwellings : 24 x 1 bed apartments, 61 x 2 bed houses, 15 x 3 bed houses
- Remainder of dwellings (43) to be shared equity or any other form of intermediate tenure as agreed by the Planning and Place Shaping Manager in consultation with the Chairman
- Units to be tenure blind and pepper potted within the development.
- Housing to be transferred to and managed by a Registered Provider as defined in the Housing & Regeneration Act 2008
- Education Contribution £30,000

The following conditions:

1. Standard time limit
2. Approved plans
3. Materials
4. Construction of Access
5. Provision of parking
6. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
7. Submission of a piling method statement,
8. Submission of a Construction Phase Environmental Management Plan, to include, inter alia, dust mitigation measures
9. There shall be no burning of materials on site during demolition / construction
10. Demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
11. Submission of details of external lighting
12. Noise mitigation scheme shall be implemented, and maintained throughout the use of the development.
13. Submission of details of secure bin storage facilities,
14. Further Phase II contaminated land investigations to be carried out

15. If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement to be submitted
 16. If remediation is required, a Site Completion Report to be submitted
 17. Pedestrian Access to Dunwoody Way to also make provision for cycles
 18. Provisions of cycle and pedestrian signage
 19. Submission of hard and soft landscape scheme including street furniture
 20. Implementation of landscape scheme
 21. Submission, approval and implementation boundary treatment
 22. Submission, approval and implementation of features for breeding birds
 23. No works to take place within bird nesting season unless a survey has been carried out.
 24. Submission of details of Sustainable Urban Drainage System (SuDS)
 25. Submission of a scheme to limit the surface water runoff
 26. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
 27. Discharge of surface water to mimic existing
 28. Submission, approval of infiltration tests
 29. Attenuation for discharges for up to the 1% annual probability event, including allowances for climate change.
 30. Submission, approval and implementation of cycle parking within scheme
 31. Submission, approval and implementation of programme of archaeological mitigation
 32. Prior to first development the developer will produce and agree a construction management plan for the site to the satisfaction of the LPA.
 33. Prior to first development the developer will provide a detailed suite of design and construction plans for the proposed signal junction improvements and the proposed internal highway layout to the satisfaction of the LPA.
 34. Prior to first occupation the developer will construct and commission the full improvement to the signal junction which will provide access for the site.
 35. Submission, approval and implementation of Electric Vehicle Infrastructure
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Southern Area Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the

Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

94 12/3846C 2, MOUNT PLEASANT ROAD & 50 THE BANK, SCHOLAR GREEN, ODD RODE: DEMOLISH 2 EXISTING BUNGALOWS AND ERECTION OF 5 NEW BUILD DWELLINGS (ONE DETACHED AND TWO PAIRS OF SEMI-DETACHED) FOR MR NEIL HAMAND

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor R Bailey withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Mr G Roberts (on behalf of Odd Rode Parish Council) and Ms B Lawton (objector) attended the meeting and addressed the Committee on this matter.

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

Note: Councillor R Cartlidge left the meeting during the planning officer's introduction and returned following consideration of this item.

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

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

95 13/2553N 285, NANTWICH ROAD, CREWE, CHESHIRE, 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

Note: Mr R James attended the meeting and addressed the Committee on behalf of the applicant.

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

The Committee considered a report regarding the above planning application.

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

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

**96 13/3620N SMITHY LODGE, NANTWICH ROAD, WRENBURY CW5
8EW: RESIDENTIAL DEVELOPMENT CONSISTING 14 NO DETACHED
DWELLINGS FOR SEDDON HOMES (WRENBURY) LTD**

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

**97 13/3724N MINSHULL COURT NURSING HOME, MINSHULL NEW
ROAD, CREWE CW1 3PP: EXTENSION TO TIME LIMIT FOR
APPROVED APPLICATION P07/1221 AND 10/3210N - FOR THE
DEMOLITION OF NURSING HOME AND CONSTRUCTION OF
FOURTEEN DWELLINGS FOR MR CHRISTOPHER CHAWNER,
KEENRICK LTD**

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

The Committee considered a report regarding the above planning application.

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

1. Standard Outline 1 – the reserved matters
2. Standard Outline 2 – time
3. Standard Outline 3 – implementation /reserved matters submission
4. Materials to be submitted and approved in writing
5. Surfacing materials to be submitted and approved in writing
6. Boundary treatment to be submitted and approved in writing
7. Retention of garage space for the housing of a private motor car
8. Landscape to be submitted and approved in writing
9. Landscape to be completed in accordance with the approved details
10. Tree and hedgerow protection to front boundary
11. Drainage Details to be submitted and approved in writing
12. Removal of trees/hedgerow outside the bird breeding season
13. Contaminated land survey to be submitted and approved
14. A Footway/cycle link shall be provided across the front of the site along the length of the Minshull New Road frontage
15. Access to be carried out in accordance with the approved plans
16. The hedgerow to the front boundary shall be retained and not replaced with fencing/walls or other means of enclosure
17. Remove PD Rights

18. Prior to the commencement of development details of the proposed garden outbuildings shall be submitted and approved in writing
19. Dust Mitigation
20. Piling Hours

98 13/3871N T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE CW5 6BJ: RESERVED MATTERS APPLICATION, LANDSCAPING OF THE PROPOSED DEVELOPMENT FOR T I MIDWOOD & CO LTD

The Committee considered a report regarding the above planning application.

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

1. Time limit for reserved matters
2. Details in full accordance with outline approval
3. Plan References
4. Landscaping Implemented

99 13/3950C ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD CW11 2XE: VARIATION OF CONDITION 2 ATTACHED TO PLANNING APPLICATION 07/0217/FULL FOR AVIAGEN TURKEYS LTD

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. Building relates to the production of free range eggs or turkeys
2. All materials used in connection with the business hereby permitted shall be stored inside the building
3. A 5-metre wide strip of land between the building and the watercourse to the north of the shed shall be retained free of any obstruction

100 13/3951C ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD CW11 2XE: VARIATION OF CONDITION 2 ATTACHED TO PLANNING APPLICATION 05/0611/FULL FOR AVIAGEN TURKEYS LTD

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. Building relates to the production of free range eggs or turkeys
2. All materials used in connection with the business hereby permitted shall be stored inside the building

101 **BATH VALE WORKS, CONGLETON**

The Committee considered a report regarding a proposed amendment to the requirements of the Section 106 Agreement relating to planning permission 11/2530C.

RESOLVED – That, for the reasons set out in the report, the previous resolution in respect of planning application 11/2530C be amended to read:

That the application be APPROVED subject to the completion of a Deed of Variation to the Section 106 Agreement to reference the new permission and change the affordable housing provision from 50% shared ownership and 50% discounted for sale to 50% shared ownership and 50% intermediate housing as per the NPPF definition, to be agreed with the Local Planning Authority

and the following conditions:

- 1 Plans
- 2 Materials
- 3 Boundary treatment
- 4 Internal layout details
- 5 Contaminated land
- 6 Updated Tree Canopy Plan
- 7 Updated Landscaping Plan
- 8 Implementation of landscaping
- 9 Removal of Permitted Development Rights
- 10 Construction of access

102 **LAND ADJACENT ROYAL OAK, 94, MAIN ROAD, WORLESTON, CHESHIRE CW5 6DN**

The Committee considered a report regarding proposed amendments to the requirements of the Section 106 Agreement relating to planning permission 11/2241N.

RESOLVED – That, for the reasons set out in the report, the Section 106 Agreement in respect of application 11/2241N be amended as follows:

- clause 1.14 to be removed
- paragraph 1.12 (iv) (a) of the First Schedule to be amended to reflect the fact that staircasing up to 100% can take place.

The meeting commenced at 1.00 pm and concluded at 4.10 pm

Councillor G Merry (Chairman)

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Application No: 12/3846C

Location: 2, MOUNT PLEASANT ROAD & 50 THE BANKS, SCHOLAR GREEN,
ODD RODE

Proposal: Demolish 2 existing bungalows and erection of 5 new build dwellings
(Three detached and one pair of semi-detached)

Applicant: MR NEIL HAMAND

Expiry Date: 06-Dec-2012

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Principle of Development
- Impact on Character of the area
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

1. REASON FOR REFERRAL

The application was called-into committee by Cllr R Bailey due to concerns regarding the proposed access points into and out of the site.

The application has been deferred in order to allow Members the opportunity to conduct a site visit of the site.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of two semi-detached bungalows. The existing properties are set within an extensive residential curtilage. The existing semi detached bungalows were erected in 1927. The buildings are in a poor state of repair and comprise of internal/external asbestos, poorly insulated and being single glazed. Located to the south of the application site is a small copse of trees which is laid out as an orchard and the remaining boundaries are heavily vegetated apart from the front elevation fronting Mount Pleasant Road comprises Cheshire railings. The site is flanked on most sides by residential properties.

2. DETAILS OF PROPOSAL

Full planning permission is sought for 5 dwellings. Two pairs of semi-detached and one detached dwelling.

3. RELEVANT HISTORY

11/2595C Removal of 2 No bungalows both owned by the applicant. Replacement 2 No new build detached houses with improvement to existing vehicular accesses and provision of onsite turning area. Approved 8 September 2011.

4. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Congleton Borough Local Plan (2005)

PS5	Villages in the Open Countryside and Inset in the Greenbelt
GR1	General Criteria
GR2	Design
GR4	Landscaping
GR6	Amenity and Health
GR9	Accessibility, Servicing, and Parking Provision
H1	Provision of New Housing Development
H2	Housing Supply
H5	Residential Development in Villages

Other Material Considerations

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

5. CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to conditions relating to hours of construction condition, piling, dust and contaminated land

United Utilities – No Objection

Strategic Highways Manager – No objections subject to a footway being provided to the site.

Strategic Housing – The population of the area is less than 3000, and the application seeks 5 units. There is a requirement of 30% of the units to be affordable this proportion includes the provision of social rented and/or intermediate housing as appropriate.

6. VIEWS OF THE PARISH COUNCIL

Odd Rode Parish Council: Object to the application on the following grounds;

- Development does not accord with the Odd Rode Parish Plan
- Does not comply with paragraph 89 of the NPPF as the height and layout of the proposed dwellings is greater than the existing bungalows
- 5 dwellings will result in the overdevelopment of the site
- Removal of Cheshire railings will have a detrimental impact on the character of the area
- Highway safety issues
- The previous outline approval for two dwellings was more in keeping with the character of the area

The Parish Council recommend that 3 dwellings on site would be more in keeping with the character of the area.

7. OTHER REPRESENTATIONS

21 letters of objection received from nearby residents regarding the first set of revised plan, the salient points being that:

- The density of the housing is too high
- Highway safety issues
- Does not comply with planning policy
- Removal of Cheshire railings
- Outline approval granted for two dwellings which is more in keeping with the area
- Impact upon pedestrian safety
- Concerns relating to the demolition of the fibreglass buildings
- Is there a market for the sale of the properties?
- Removal of mature trees
- Lack of street lighting
- Out-of-character with the area
- Impact upon wildlife
- Loss of amenity to the neighbouring dwellings and their rear amenity space

A petition was also submitted objecting to the proposal

In relation to the most recent set of revised plans, 5 letters of objection have been received. A summary of the objections has been provided below, however the full documents can be viewed on file.

- Does not comply with paragraph 89 of the NPPF
- Infringement on Human Rights Act; enjoyment of possessions including a garden area
- Development has a dominating impact
- Previous approval requested that the Cheshire Railings remain
- Does not meet with the guidelines of low density housing
- Over development of the site
- Impact upon amenity in terms of loss of privacy & overbearing impact

- Surface water issues
- Loss of wildlife land
- Highway safety issues resulting from the access points
- Issues surrounding parking of vehicles on the bend causing highway safety issues
- Concerns raised regarding the demolition of the existing buildings on site & whether there is any asbestos within them

8. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement

9. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the infill boundary line of Green Belt land where limited development is acceptable provided that it is appropriate to local character in terms of use, intensity, scale and appearance and complies with relevant policies in the adopted Local Plan. It is considered that due to the location of the site within a residential area, with adequate access to public transport and local services, that the broad principle of residential development within this location is acceptable. The principle of residential development must be balanced against other considerations including impact of the development on the character of the area, highway implications, impact upon amenities of residents and any other material planning considerations.

Design, Layout and Character of the Area

The surrounding area is comprised of numerous dwellings of varying style, scale and design being constructed over the last century. The application site is a triangular parcel of land, located to the south lie No.17 and 19 Meadowside Lane and to the north west a large detached dwelling. The remainder of the site is flanked by Mount Pleasant Road and The Bank. Revised plans have been submitted during the course of the application reducing the scheme from 5 detached properties to 3 blocks, comprised of two semi-detached dwellings and one detached house. Five properties are still proposed for the site.

The detached dwelling (Unit 1) would be hipped roofed, gable fronted property that would be fabricated in brickwork, modern roof tiles and UPVC doors and windows. It would have a footprint of 90sqm and measure 7m in height.

The proposed semi-detached properties (Units 2-5) would have gable frontages, would be fabricated in modern brickwork and tiles, have a footprint of 120sqm and a height of 7m.

The design of the properties is considered to be acceptable when assessing the mixed character of the area. To ensure that appropriate conditions are used a condition could be attached to any decision notice that is issued.

The layout of the proposed dwellings has been altered during the course of the application. The proposed dwellings would essentially follow the line of the road. When considering the layout of the proposal it is considered that the layout would generally match the layout of the area, and

would not result in an adverse impact upon the character of the area. The site itself is elevated, and clear views would be given from public vantage points, however the visual impact of the proposal within the existing street scene.

Impact on the Amenity of adjacent properties and future occupants

Unit 1, the detached dwelling is set closest to No.48 The Bank would retain approximately 14m between the rear elevation and boundary. The neighbouring property No.48 The Bank, is set at a lower level than the proposed dwelling, however a sufficient spacing distance would be retained in order to prevent any loss of amenity to this property.

Unit 5, the end semi-detached dwelling would be set facing towards the rear amenity space of No.19 Meadowside Lane. The Council's SPD requires 10.7m between properties. The proposed distance is short of the required standard, with only 9.5m retained between first floor windows and the boundary of the site. Existing planting with mature trees to the boundary should help prevent some of the impact upon this dwellings privacy. Whilst it is recognised that the proposal would impact upon No.19's amenity, it is not considered adverse enough to warrant refusal of the application. It is considered that Class A and B Permitted Development rights should be removed from the dwellings in order to prevent any loss of privacy in the future due to layout of the properties and the size of the proposed plots.

The Council's SPD2 requires a spacing distance of 21.3m between the front elevations of dwellings. Unit 5 would be positioned 25m away from the dwelling opposite, whilst Unit 4 would be positioned 23m away from No.3 opposite. This is considered to be acceptable, and would not result in an adverse impact upon the amenities of the dwellings opposite. Unit 1 and Unit 2 face onto open space, and as such comply.

According to SPD2 dwellings of this size should have amenity space of 65m². Each of the dwellings proposed has in excess of this amount of amenity space.

It is of merit to note that no objection has been raised by Environmental Health however they have suggested a number of conditions which could be attached to any permission.

Impact on Highway Safety

Numerous objections have been received with regards to the impact upon highway safety. Comments are currently awaited from the Strategic Highways Manager regarding the most recent set of revised plans.

The Strategic Highways Manager has viewed the proposal previously and raised no objections. Each dwelling has sufficient drive space in order to enable the parking of two vehicles on site, and sufficient turning space in order to allow vehicles to enter and leave the site in a forward gear.

Highways have also requested that a 2m footpath is provided to the south of the site which has been submitted on the proposed layout. Highways have requested that the detail on the proposed plan is implemented prior to the occupation of the dwellings on site.

Ecology

Protected species surveys have not been submitted as part of the application, however the Council's Ecologist was consulted under application 11/2595C and did not envisage issues relating to protected species. It is of merit to note that the consent above was outline, which appears to have lapsed.

11. CONCLUSIONS

The proposed development would be of acceptable design, layout and would have an acceptable impact upon the mixed character of the area. On balance the proposed dwellings would achieve sufficient spacing distances between the units and existing properties in the area.

12. RECOMMENDATIONS

Approve subject to the following conditions

- 1) Time Limit
- 2) Approved Plans
- 3) Facing and Roofing materials to be submitted
- 4) Landscaping scheme to be submitted including boundary treatment
- 5) Removal of Class A & Class B Permitted Development Rights
- 6) Prior to occupation of the development the footway and visibility splay will be constructed as identified on drawing number 5403.01 Rev G
- 7) No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units of which 65% shall be social / affordable rent and 35% intermediate tenure;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Informative relating to a Section 278 agreement being entered into under the Highways Act

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Application No: 13/2186C

Location: MILLPOOL WAY/NEWALL AVENUE, SANDBACH, CHESHIRE CW11 4BU

Proposal: Residential development of 39No, 2 & 2.5 storey, 1, 2 & 3 Bedroom detached & mews style properties and associated works.

Applicant: Mr Stephen Miller, Morris Homes Limited

Expiry Date: 23-Aug-2013

SUMMARY RECOMMENDATION**Approve with Conditions and completion of a Section 106 Agreement****MAIN ISSUES**

Principal of the Development
Planning Policy and Housing Land Supply
Landscape and Trees
Impact on Protected Open Space
Highway Implications
Amenity
Design
Ecology
Open Space

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it is for a development in excess of 10 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an approximately 1.2 hectare parcel of land located within the Settlement Zone of Sandbach. The majority of the site was formerly in use as a football pitch with the former Council depot in the south east corner.

The site is bounded by residential development, playing fields and to the west of plots 5, 6, 7, 8, and 39, is a small caravan site which is occupied by a traveller family.

DETAILS OF PROPOSAL

The application is for full planning permission for the erection of 39 dwellings. They would comprise two and two and a half storey, 1, 2 and 3 bedroom detached and mews style properties. This would represent a density of 32.5 dwellings per hectare.

Primary = £75,924 (This contribution will be required on occupation of the site)

Secondary = £81,713

Environment Agency:

No objection subject to compliance with measures laid down in the Flood Risk Assessment.

Strategic Highways Manager:

This site has been the subject of a number of discussions with regard to layout and traffic generation. However it is noted that the number of units now proposed to be served from the A533 has been increased though the number of units is low and the material impact will be negligible.

The area of concern found by the Strategic Highways Manager is that of parking provision for the affordable units which is barely above 100% provision and which should now be provided at 200% provision.

This requirement comes from the emerging draft parking standards for CEC based on the requirements of the Localism Bill and the S.H.M. will require this site to comply with the 200% provisional rate for residential off-street parking.

It is noted that the available space around plots: 30 – 39 & 5 – 8 is limited and that any manoeuvring to revise parking provision will compromise the turning head o/s plot 9.

It is therefore recommended that the developer remove plot 9 plus one affordable unit to allow the appropriate level of parking to be provided.

Without this change to layout and provision the Strategic Highways Manager will not be able to support this proposed layout.

Providing this layout is resolved the Strategic Highways Manager will be seeking funding from this development for the local improvement of the Flat Lane link through to the town centre in aid of sustainability and accessibility.

Environmental Health:

Recommend that conditions are imposed relating to the hours of construction and piling. They also recommend refusal of the application on the grounds of lack of information relating to contaminated land.

Public Open Space:

16th July 2013

With reference to the plans for the erection of 39 dwellings and associated works, if the development were to be granted planning permission (in accordance with the submitted landscape structure, Drawing No M2205.01_A, dated 9 March'13) there would be a deficiency

in the quantity of provision, having regard to the adopted local standards set out in the Council's Open Space Study for both Amenity Green Space and Children and Young Persons provision.

Amenity Greenspace

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, having a quantity deficiency, it is acknowledged that some Amenity Greenspace (POS) is being provided on site adjacent to the existing POS although the actual area is not known. The area required POS on site arising from the development would be 1,150 sq, clarification of measurement is required.

Although the D & A states public space areas will be transferred to and managed by a private management company, Streetscape would prefer in this instance to take ownership. This is to appear as one seamless area of POS and to maximise its value. The Council are already maintaining the existing POS would seek to maintain the additional with commuted sums for maintenance. This would help to avoid confusion of where the boundary should be, plus maintenance will be uniform thus avoiding any comments from the public. Planting should be kept to a minimum to help with natural surveillance and to reduce maintenance costs.

Any additional planting should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and species types of trees. It is suggested that these additional areas of POS be transferred to a management company. In consultation with Cheshire Constabulary requests were made that the garden fences should be of a closed board nature and 2 m in height with additional planting at the rear such as Holly, Berberis, and Pyracantha.

Based on the required provision, given that an opportunity has been identified for new open space to serve the development based on the Council's adopted Interim Guidance Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Maintenance: £13,599 (25 years)

Should the area differ from 1,150 sq m, then new calculations would be required.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of over one and a half play areas, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. As there is an existing facility at Newall Avenue and the POS is to be constructed adjacent, Streetscape request additional equipment is added to the site. Consultation should be carried out and possible engagement with the

local school would be required. Three play companies should be approached for designs and submitted to the Council prior to carrying out any works.

Given that an opportunity has been identified for enhancing the quality of Children and Young Persons Provision, based on the Council's guidance in its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	<u>£Should reflect LEAP provision</u>
Maintenance:	<u>£34,626.00</u>

28th November 2013

Amenity Green Space – The amount of this type of provision required is 1,150 sq m so if only 998 sq m are being provided then there is a shortfall of 152sq m /10 = 15.2 persons x £52.83 (enhancement figure) = £803,016. This small figure is required for the shortfall along with the maintenance originally given which is the calculation for the maintenance for the whole amount i.e. 1,150 sq m.

Children & Young Persons Provision – In this case would ask for enhancement to the existing play provision by providing a LEAP (5 items/activities of play) standard facility. This should complement what is already on the adjacent site. According to the calculations this development creates a quantity deficit of 1.69 play areas.

Public Rights of Way:

- The Transport Assessment recognises Public Footpath No. 21 along the western side of the development as a convenient link to the town centre.
- The Design and Access evaluation plan and text refer to this route as a 'footpath/cycleway link': it should be noted that this route carries public pedestrian rights only at present: a cycle track order would be required to upgrade the status of the route into a cycle track. A suggestion has been logged under the Council's statutory Rights of Way Improvement Plan for part of this route to be upgraded in status and condition to a cycle track to increase the permeability of the town centre to cyclists. The developer would be asked to assess this aspiration and consider its potential in accommodating the increased demand arising as a result of the proposed development.
- The development proposes one pedestrian access onto public footpath No. 21: the legal status and maintenance of this connection would need to be agreed with the Council as the highway authority.
- The proposed development includes a new access and turning head to serve the development and existing 'caravan' site, in the south western corner of the development. This proposed access overlies the existing public footpath and therefore the developer will be required to provide further information on the proposed legal status of this access and the proposals to accommodate the safety of pedestrians using the route.

Sustrans:

If this land use is approved by the Council's Planning Committee, comments are as follows:

- Pleased to see various pedestrian/cycle linkages to Union Street, Millpool Way, Newall Drive included in the layout.
- The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- Would like to see travel planning with targets and monitoring for the site.

Sport England:

No objection.

VIEWS OF THE TOWN COUNCIL

No objection. Members welcome the development but ask that the developer considers contributing towards access for green areas in the locality.

OTHER REPRESENTATIONS

At the time of report writing, approximately 19 representations have been received raising the following concerns:

- Increase in traffic congestion
- Creation of a 'rat run'
- Danger of traffic adjacent to the play area
- Newall Avenue is already dangerous
- Parking is already a problem on Millpool Way
- Increased traffic past the school
- Over looking and loss of privacy
- Overshadowing and loss of sunlight
- Impact on local services such as schools and doctors
- Impact on wildlife
- Loss of natural light to Union Street
- Obstruction of views
- Possibility of anti social behaviour
- The proposal would cause overlooking to a gypsy site

These representations are available to view on the application file.

OFFICER APPRAISAL

Main Issues

This is a full planning application and the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development in respect of policy and housing land supply, sustainability, affordable housing, residential amenity, drainage and flooding, design issues, open space, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

The site lies within the settlement zone line, as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is a presumption in favour of development.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

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

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that 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. 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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’ (Sandbach Road North Appeal)

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether any harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

'As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making'

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

'There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case'

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

Conclusion

- The site is within the settlement zone line where there is a presumption in favour of 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.

- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land supply the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Landscape and Trees

There are a small number of trees present although it is noted that none are of particular significance. There is residential development to the north and east, an area of public open space (POS) to the south, and Flat Lane, a public footpath, to the west. The submission includes a landscape structure plan.

The layout appears to provide good pedestrian and cycle permeability through the site and a reasonable interface with Flat Lane and the existing POS to the south.

The landscape proposals submitted with the applications are largely acceptable but it is considered that more detailed plans for landscaping and boundary treatments should be secured by condition.

Highways Implications

The development would be accessed from Millpool Way and Newall Avenue, both by pedestrians and vehicles. The Newall Avenue vehicular access would however be limited to a small amount of plots along Flat Lane, with the end of the access to plots 19-28 being blocked to vehicular traffic except in the case of emergency vehicles. The method of blocking access has been the subject of negotiation with the Strategic Highways Manager (SHM), who is now satisfied with this arrangement.

Some of the objectors expressed concerns about the possibility of people using the site as a 'rat run'. This would not be possible though as only emergency vehicles would be able to access Newall Avenue from Millpool Way.

The SHM also had concerns that the original layout did not propose 200% off street parking provision and the revised layout (Rev E) has addressed this issue to his satisfaction.

The SHM has stated that contributions to the improvement of the Flat Lane link to the town centre would be required. Highways are currently formulating what improvements would be required and the contribution that would be needed. It is likely that this would be for improved lighting, and this requirement will be provided in an update report to committee.

The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Amenity

There are dwellings adjacent to the site and all the required separation distances would be met within the development. The proposed development would not have any significant adverse impact on neighbouring dwellings in terms of overlooking and overshadowing. The outlook of the existing dwellings would change. However it is not considered that this change of outlook would represent an unacceptable visual intrusion in the street scene in the context of this site.

There is a residential caravan site on Flat Lane opposite what would be plots 5, 6, 7 and 8. The occupiers of this site had concerns about overlooking from these plots on to their site when the application was originally submitted. The original layout showed these plots within 5m of the boundary of the site, with no screening included. Subsequently amendments were sought and now windows facing the Caravan would be approximately 9m away with screen planting to the front.

Environmental Protection have recommended conditions relating to construction and piling and these are considered to be reasonable and should be imposed should the application be approved. They have also recommended that the application is refused as a contaminated land assessment has not been undertaken. However this can be controlled by condition.

Subject to the recommended conditions, the proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

Design and Layout

The development would comprise a mix of housing, both 2 and 2.5 storeys in height. There would be a mixture of house types that would reflect the design of the neighbouring development (Millpool Way) and the development would be seen as a being an extension to that site.

The proposed dwellings would be finished in traditional materials including red brick and smooth grey roof tiles and there would be detailing such as stone heads and cills, low level bays, panelled front doors and arched brick heads. The affordable units would be of the same design standards and materials as the market units.

The layout would provide a continuous active frontage throughout the development with some properties being dual aspect. It also provides for passive surveillance of public areas, which is to be welcomed.

Overall the design and layout are considered to be acceptable and in compliance with the requirements of Policy GR2 of the adopted local plan.

Affordable Housing

The Strategic Housing Market Assessment 2010 identified that for the Sandbach sub-area there is a need for 75 new affordable units per year between 2009/10 – 2013/14. This equates to a requirement for 375 new affordable homes for the period and is made up of an annual requirement for 21 x 1 bed, 33 x 2 bed, 7 x 3 bed, 4 x 4/5 beds and 10 x 1/2 bed older persons accommodation.

There are also currently 386 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. These applicants require 123 x 1 beds, 154 x 2 beds, 62 x 3 beds & 11 x 4 beds (36 applicants have not specified how many bedrooms they require).

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

This site is proposing 39 units and as such there is a requirement for 30% affordable housing. The applicant is offering 12 dwellings as affordable housing, which meets the requirements of the IPS. As per the tenure split highlighted above 8 social or affordable rent and 4 intermediate dwellings will be required.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

All the affordable units put forward on this site are in the south western corner of the site. Whilst the Council would normally require 'pepper potting' of these units, the site should be viewed as a whole along with the first phase which has been constructed (Millpool Way). When viewed in this context it can be seen that the affordable units are spread within the site as a whole and are not all clustered in one area. As such it is considered that the layout is acceptable in these terms.

Ecology

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

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

(b) No satisfactory alternative and

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

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

Local Plan Policy NE9 (Protected Species) 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 and barn owls, no evidence of these species was recorded during the site survey. A colony of breeding house sparrow was recorded and the Council’s Ecologist is satisfied that the proposed mitigation would be acceptable.

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

Bats

Initially there was insufficient information to assess the application in relation to bats. The further bat survey has recorded no evidence of bats roosting within the buildings on site and so it is considered that bats do not present a constraint on the proposed development.

Breeding Birds

A colony of breeding house sparrow has been recorded on site. This species is a Biodiversity Action Plan priority and hence a material consideration. The building supporting this colony will be removed as part of the proposed development. The submitted habitat assessment recommends the incorporation of features for breeding birds and roosting bats as part of the development. This should be secured by condition.

Subject to the proposed conditions the development would not have any significant adverse impact on nature conservation and is therefore considered to be acceptable.

Public Open Space

Streetscape has identified a small deficiency in Amenity Greenspace provision relating to this development. The Design and Access Statement states that the public open space (POS) would be taken over and managed by a private management company. However the Council

would prefer to take ownership of the public open space in this instance. This is due to the proximity to an existing area of POS and the desire that it appears as one seamless area.

In the light of this the Council would require contributions of £14,402 towards enhancement and maintenance of amenity greenspace.

Having regard to children and young persons provision there would be a deficiency and as such the Council would require the provision of 5 items/activities of play to complement the existing play area and a contribution of £34,626 towards maintenance.

Education

It has been identified that the development would generate 7 primary and 5 secondary pupils requiring spaces in local schools and both primary and secondary school in close proximity to the site are forecast to be over subscribed in the near future.

It is therefore required that a commuted sum of £157,637.00 be secured by Section 106 Agreement.

LEVY (CIL) REGULATIONS

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

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

The requirement for open space provision is considered to be in compliance with the CIL Regulations 2010.

The request for contributions towards primary and secondary education is considered to be in compliance with the CIL Regulations 2010.

The request for contributions towards the improvement of Flat Lane is directly related to the development and necessary to make the development acceptable in planning terms. When a figure has been submitted by the SHM it will be assessed as to whether it is fairly and reasonably related in scale and kind to the development. This assessment will be provided in the update to committee.

CONCLUSIONS

RECOMMENDATION

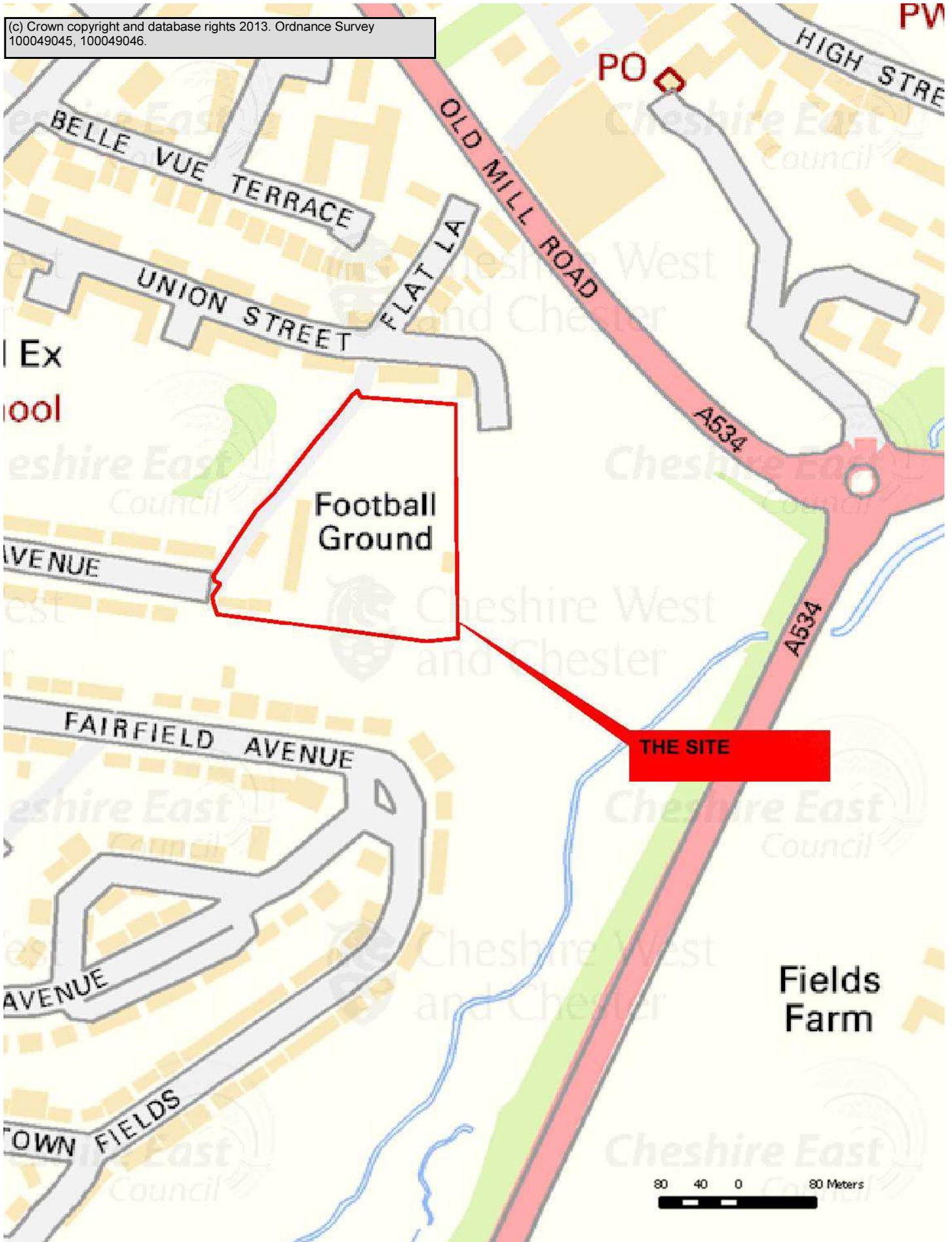
Approve subject to the completion of a Section 106 Agreement securing £49,028.00 for enhancement and maintenance of amenity greenspace and young persons provision, £157,637.00 for education and improvements to the Flat Lane link to the town centre (amount TBC) and the following conditions:

1. Commencement
2. Plans
3. Submission of landscaping scheme
4. Implementation of landscaping scheme
5. Submission of a construction management plan to include hours of construction and piling
6. Submission of a Phase II Contaminated Land Assessment
7. Submission of details of external materials
8. Development in accordance with the Flood Risk Assessment
9. Details of foul water drainage
10. No development during the breeding bird season
11. Incorporation of features to accommodate breeding birds and roosting bats
12. Submission of details of existing and proposed levels

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 Southern Area Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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Application No: 13/2277N

Location: TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE, CW2 5NT

Proposal: Lawful Development Certificate For Use Of The Land And Building For The Storage, Blending And Adaptation Of Fertilisers For Sale

Applicant: Mr Mark Able

Expiry Date: 26-Aug-2013

SUMMARY RECOMMENDATION:

For Members to comment on the application

MAIN ISSUES:

Whether the use has operated continuously for a period in excess of 10 years and whether that use is ancillary to the main functions of the farm.

REASON FOR REFERRAL

The application was called in to Committee by Cllr David Marren on the following grounds:

“Residents are concerned that there are serious highway concerns associated with this application. They cite that the lorries used are too big and the frequency too frequent and as such they present a danger to pedestrians and other vehicles using the lane; that the vehicles are eroding verges and also causing property damage to neighbouring residences.

Additionally residents are concerned that there was no communication of this application and that they only found out yesterday which means that they cannot properly furnish evidence against the application through lack of time. In the interests of transparency and the safeguarding of the Council's reputation I request that this application is called-in and heard by the Southern Planning Committee please.”

It should be noted that the application is put before Committee to inform them of the current situation and not for a decision to be made by members. This is because it is a matter of establishing the legal position and not about the planning merits of the use at the site.

DESCRIPTION AND SITE CONTEXT

The application site forms part of a farm complex located within the Green Belt as defined by the Local Plan Proposals Map. The site comprises a mixture of traditional brick and more

modern portal framed buildings. The site is accessed via a track from Barthomley Road which also has the route of a Public Right of Way along its length. To the north of the farm complex is a railway line.

DETAILS OF PROPOSAL

This application is for a Certificate of Existing Lawful Use and seeks confirmation from the Local Planning Authority of the lawful use of the farm for the storage, blending and adaptation of fertilisers for sale. The main consideration is whether the use on site has been carried out continuously for a period of 10 years and whether that use is ancillary to the function of the farm.

RELEVANT HISTORY

12/1073N – Retention of extensions to agricultural buildings. Refused 2012

11/2209N – Certificate of lawfulness for the use of the farm for the storage, blending and adaptation of fertilisers for sale on 31st January 2013

10/4960N – Retrospective planning application withdrawn for a Change of Use from Agricultural Use (Beef Farming) to a Concrete Panel Business on 23rd December 2010.

P07/1104 – Planning permission approved for Agricultural Building for Storage and use as Workshop, open topped Crop Storage on 16th November 2007.

P06/0450 – Consent approved for Erection of Agricultural Silage Building Relocated from Limes Farm on 2nd June 2006.

P95/0052 – The Local Planning Authority did not object to the erection of an agricultural building subject to a landscaping scheme in 2005.

P94/0981 – The Local Planning Authority objected to the erection of an agricultural building in 2004.

CONSULTATIONS (External to Planning)

None

VIEWS OF TOWN/PARISH COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

At the time of report writing, 12 people have commented on this matter. The objectors put forward the following opinions:

- The original LDC faced strong opposition from neighbours, who over the years, had been complaining about the impact, which the unlawful activity had on them. These complaints were largely ignored.

- The LDC was granted on the basis that the scale of the fertiliser business was small, split between 2 sites, and was restricted to one building at TEF.
- The applicant is now arguing significant growth in the fertiliser business, which is intensification, and not covered by the current LDC. If this is so, a new planning unit is created, thereby demanding a full planning application to be submitted, and not an amendment to the current LDC.
- The applicant is attempting to amend the current LDC and is trying to obtain planning the easy way, thereby avoiding through consideration and submissions by all relevant parties.
- Essentially, the applicant is seeking to appeal the decision made on 13th January 2012. It is submitted that 21 months later, he is too late and is out of time. In any event, the applicant failed to state in the last LDC application that fertiliser was his primary source of business and use of land at TEF. This assertion by the applicant is paradoxically contradicted by the 7 other planning matters associated with TEF, which have been before the planners since 2006.
- If this application is to proceed, the current, and any subsequent information submitted by the applicant cannot remain confidential, as it is the main evidence in support of the applicant's case. It has to be subject to proper scrutiny by the objectors. For it to remain confidential would be in law a breach of natural justice.

One additional point was put forward alleging wrongdoing by the applicant which the Council will not publish in this report.

Many other planning related points were put forward by objectors; however this application is to establish a point of law, not to argue the impacts of the development.

OFFICER APPRAISAL

Legislative Background

The applicant is entitled under S.191 of the Town and Country Planning Act 1990 to seek a Certificate of Lawful Existing Use or Development (CLEUD) by the submission of Statutory Declarations and any other evidence relevant to the case to seek confirmation of the lawful use of the land in question. The evidence should establish both the factual position of the use of the land for a period of 10 years or more and prove the lawfulness of the use in planning terms. The issuing of a certificate would create immunity from enforcement action in relation to the use established.

It is important to distinguish between the determination of a CLEUD and other planning-related applications. Unlike the latter, which may be open to subjective opinion, the determination of a CLEUD application must be based upon factual evidence, submitted under oath and relevant Planning Law. The onus of proof is held to be with the applicant in the submission of sufficient evidence. However, paragraph 8.15 of Annex 8 of Circular 10/97: Enforcing Planning Control states that:-

"the burden of proof is on the appellant, the Courts have held that the relevant test of the evidence on such matters is the 'balance of probability'. As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a Local Planning Authority

should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely 'beyond reasonable doubt'."

The Circular goes on to state that the applicant's evidence does not require independent corroboration in order to be accepted. Provided that the Local Planning Authority has no evidence of its own or from others to contradict "or otherwise make the applicant's version of events less than probable" and, provided that the applicant's evidence is sufficiently precise and unambiguous, the certificate should be granted on the balance of probability.

The Circular also importantly confirms that:-

"The Local Planning Authority should proceed on the basis that neither the identity of the applicant (except to the extent that he or she may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), nor the planning merits of the operation, use or activity, are relevant to the consideration of the purely legal issues which are involved in determining an application".

Examination of Evidence

In July 2011 an application for a Certificate of Existing Lawful Use was submitted to the Local Planning Authority for the use of the farm for the storage, blending and adaptation of fertilisers for sale. A large amount of evidence, including sworn affidavits were submitted with this application and the conclusion reached was that the fertiliser business had operated from part of the site for a period in excess of 10 years and that a positive certificate should be issued. The certificate was issued on 31st January 2013.

The certificate that was issued gave the following reason.

"From the information available to the Local Planning Authority it appears that, on the balance of probability, the storage, blending and adaptation of fertilisers for sale has been carried out at the farm for a period in excess of ten years, at a level which is ancillary to the primary agricultural use of the site."

The applicants have submitted this application as they consider that there is a flaw in the certificate (11/2209N) as they contend that the use is not ancillary to the use of the farm for agriculture.

The evidence submitted with the previous application and the additional evidence submitted with this application include financial details from the applicant's accountant. These give details of the income from the agricultural business and the fertiliser business. These show that the fertiliser business is not dependant on the agricultural business; in fact the income from the fertilizer business is far in excess of that of the farming enterprise.

The previous certificate established that the fertiliser business had been carried out for a period of in excess of ten years. Therefore the key issue for this application is whether the use is ancillary to the agricultural side of the business operated from Top End Farm. If this was the case, the fertiliser business would not be able to operate independently of the agricultural business.

It has been clearly demonstrated by the financial evidence submitted by the applicant, that the fertiliser business is the primary income generator at the site and could operate independently of the agricultural use. The use can therefore not be considered to be ancillary.

CONCLUSIONS AND REASON(S) FOR THE DECISION

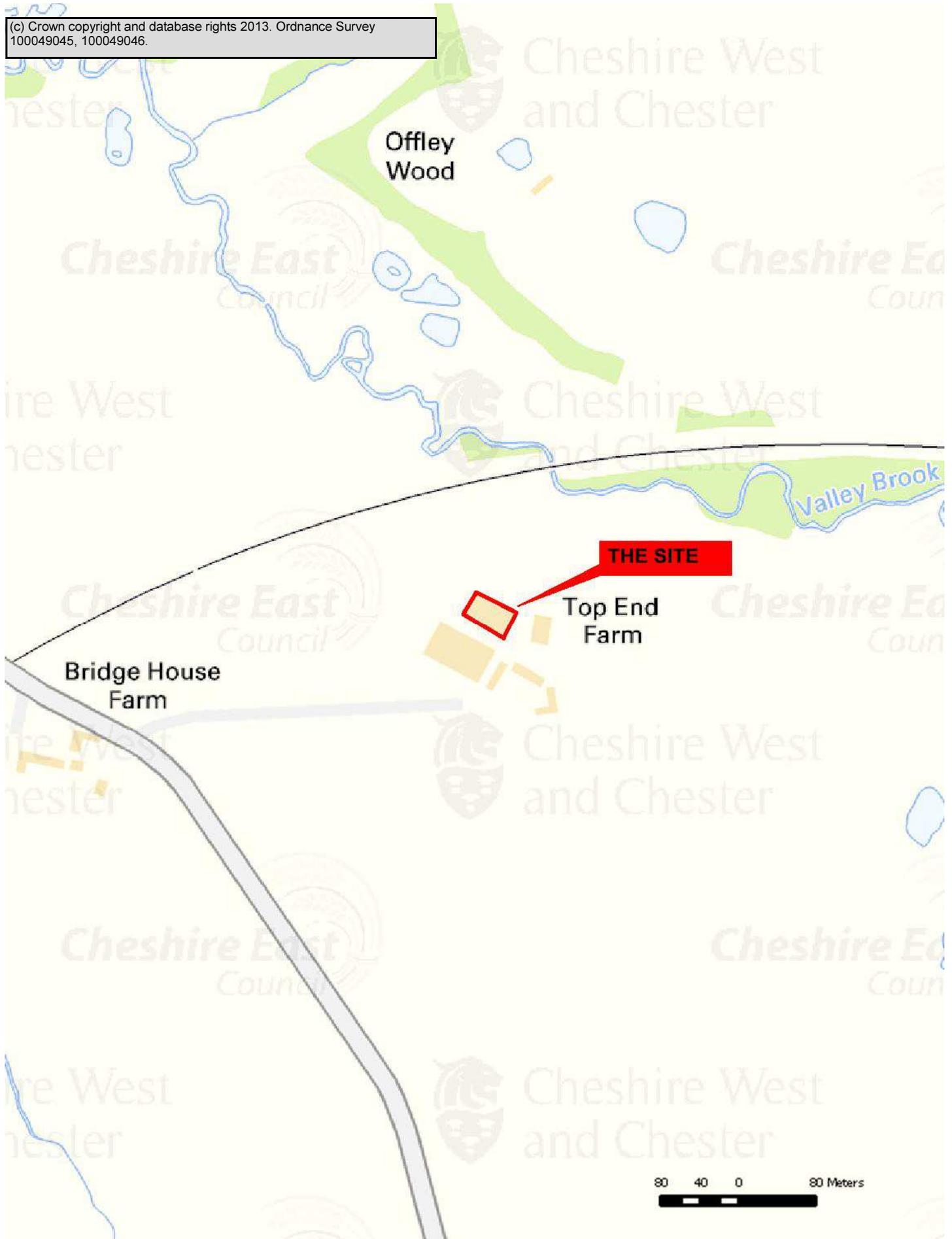
On application number 11/2209N, it was considered that, on the balance of probabilities, on the basis of the sworn statutory declarations and other evidence that a positive Certificate should be issued for the use of the site for the storage, blending and adaptation of fertilisers for sale, as the use had been undertaken for a period of over 10 years and was therefore beyond enforcement proceedings. The information submitted with this application has, on the balance of probability, demonstrated that this use is not ancillary to the agricultural business operated at the site and as such this word should not be included in the certificate.

On the basis of the evidence submitted, it is Officers view that a positive certificate should be issued.

As stated above, this report is placed before committee for information and comment only.



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Application No: 13/2631C

Location: LAND OFF, NEW PLATT LANE, ALLOSTOCK, CHESHIRE

Proposal: Full Planning Application For A Residential Development Comprising Demolition Of Existing Poultry Houses And Erection Of 38 Dwellings With Associated Access And Landscaping. (Access Road Only Within Cheshire East. Main Part Of Development In Cheshire West And Chester)

Applicant: Mr Peter Kilshaw, Bloor Homes Ltd

Expiry Date: 02-Sep-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

- **Principle of Development.**
- **Highway Safety**
- **Design**
- **Trees and Landscape**
- **Amenity**
- **Ecology**
- **Education**
- **Open Space**
- **Drainage and Flooding**

REFERRAL

The application has been referred to Southern Planning Committee because it is a departure from the Development Plan.

1. SITE DESCRIPTION

The site is situated approximately 3km north of Holmes Chapel Centre and predominantly lies within the Shakerley ward of Cheshire West and Chester (CWAC). The application site straddles the CWAC Boundary and as such, a small portion of the land in question lies within Cheshire East Council's (CEC) administrative boundary.

The aspect of the site which is situated in Cheshire East lies in the parish of Goostrey, whilst the body of the site, in CWAC lies in Allostock parish.

The site lies to the north of New Platt Lane and it is proposed that the access to the site will be taken directly from this highway. The site is irregular in shape and extends to cover a total area of 2.7ha.

The site comprises a series of vacant buildings and hardstandings, which include former poultry houses. The application site also includes a number of trees (some of which are protected) hedgerows and grassland.

Residential development surrounds the site fronting on to Harrison Drive to the west and north, Lea Avenue to the east and Birch Fold and New Platt Lane to the south. To the west, beyond Harrison Drive, a number farms with associated agricultural land can be found, including; new Platt Farm, Brick Bank Lane, and Rudheath Woods. Similarly, agricultural land and woodland areas are situated to the north of the site.

To the east, the residential properties which lie adjacent to the site extend to Sandy Lane whilst to the south beyond new Platt Lane, substantial agricultural land and woodland block lie including Racecourse Wood, and a small number individual farm houses also present.

1. DETAILS OF PROPOSAL

As originally submitted, full Planning Permission was sought for a residential development comprising 38 dwellings with associated access and landscaping. The scheme includes 26 open market houses comprising 13no. 5 bedroom detached houses, 13no. 4 bedroom detached houses, and 12 affordable houses made up of 3 no. 3 bed units, 8 no. 2 bed units and 1 no. 1 bed unit.

Amended plans have now been received reducing the numbers on site to 37.

2. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

4. PLANNING POLICIES

Policies in the Local Plan

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking

GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H6 Residential Development in the Open countryside

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Fire and Rescue

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- Arson is an increasingly significant factor in fires and construction sites are a major target. Would advise at this stage consideration is given to development of a fire risk assessment
- Would advise consideration be given to the design of the refuse storage areas to ensure it is safe and secure. If this cannot be achieved means for securing wheelie bins against the building should be provided.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- Recommend fitting domestic sprinklers to reduce the impact of fire on people, property and environment and to avoid impact on business continuity.

Jodrell Bank

- Request a condition requiring electromagnetic screening measures to be incorporated in the design of the buildings which would help to reduce interference from such items as computers, microwave ovens and general electrical products.

Highways

Standard of the access road

- As shown on the submitted Site Plan, this is to be of 5.5m carriageway with, on each side, a mix of 1.8 metre footway and margin strip. The road will have an S-alignment, which will

result in pedestrians likely to walk on verges. As a result I require continuous footways on both sides and these should be of 2 metre width. The road centreline radius is down to 16 metres, which is acceptable in being adequate for traffic whilst moderating speeds.

- Owing to land ownership constraints, a chicane is proposed on the access road more or less where it passes from Cheshire East into Cheshire West & Chester. I have no objection in principle to such a chicane, given the low vehicular flow. I compute that the situation where a driver has to yield to an oncoming vehicle will only arise about once a day. However, I need to be assured that adequate visibility and road widths can actually be achieved, as the road has to fit between trees and ownership boundaries. I have not received sufficiently-accurate land boundary plans to confirm that the proposed layout can be accommodated within the narrow neck of land occupied by the chicane and so am not assured that it can be constructed with provision of adequate intervisibility for drivers and pedestrians. Without the assurance of more detailed surveys I must recommend refusal on the basis of inadequate information.

Junction with New Platt Lane

- The speed limit on New Platt Lane is 30mph, though speed surveys in the vicinity of the proposed access indicate this is exceeded. A speed survey in September this year indicated that average speeds were of the order of 34mph westbound and 31mph eastbound, with of course many drivers travelling faster. However, the visibility splays available are of a high standard and so I consider the proposed access to be acceptable and likely to operate without undue safety concerns. There is no accident history in the vicinity.

Traffic Impact on the CEC road network

- For the 37 houses now proposed, the applicants predict peak-hour movements as follows:
 - AM 7 arrivals, 14 departures
 - PM 14 arrivals, 9 departures
- I consider these to be optimistic, given the dependency of the site on car transport; even so, peak-hour movements will only be of the order of 25-30. Of these, about half can be expected to be to or through Goostrey village with the remainder westward to and from the A50. Thus the impact of traffic will not be substantial and not in itself a reason for objection.

Sustainability of the site

- Goostrey has only limited local facilities. There is a general shop (approx an 8 minute walk), Post Office/local shops (20 minutes), within reasonable walking distance, but the primary school, church, public houses and railway station are about 25 - 30 minutes walk. Thus for employment, shopping and secondary education, as well as most leisure opportunities, a car trip to one of the neighbouring towns is necessary.
- Goostrey is served by bus service 319, which operates from Sandbach via Holmes Chapel five times a day. All these journeys are in the daytime inter-peak period, so of no use to commuters or for evening trips. Also the nearest bus stop is a five-minute walk. Thus whilst any additional passengers from the site would be welcome support

for the local bus service, only a very small proportion of total trips from the site can be expected to be made by bus.

- Because of its rural location, the site is relatively well-placed for cycling journeys as many of the neighbouring towns can be neared, if not quite reached, by relatively quiet back roads. However, cycling is still likely to be a minority mode of transport. It has considerable potential for short trips within Goostrey, for example to the railway station, as a substitute for car.

Conclusions

- As stated above, I have insufficient information to satisfy myself as to the practicality of the chicane which leads me to recommend refusal on the basis of insufficient information. I also consider that the site does not meet the criteria required of a sustainable site, and residents will be over-dependent on car transport.
- Should the Council be minded to approve this application, I recommend the following conditions be applied to mitigate its failings:
 - *No development shall commence until full plans, cross-sections and constructional details of the access road have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.*
 - *A contribution of £40,000 shall be made through a S106 Obligation toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey, to encourage the use of sustainable modes of transport and decrease car-dependence.*

Greenspace

Amenity Greenspace

- Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.
- Consequently there is a requirement for new Amenity Greenspace provision to meet the future needs arising from the development
- Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the amount of new Amenity Greenspace required would be 1290m²

Children and Young Persons Provision

- Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

- The new development will increase the usage and pressure on nearby facilities at Boothbed Lane Play area. Therefore off site financial contributions are sought in accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development to increase the capacity of the existing play area at Boothbed Lane.
- Financial contributions sought from the developer would be;

Enhanced Provision:	£11,812.53
Maintenance:	£38,506.50

- Goostrey Parish Council should also be consulted as they would want an input due to the history of the open space and any future requests they may have in relation to the development of the open space.

Environment Agency

- No comments received at the time of report preparation.

United Utilities

- No comments received at the time of report preparation.

Education

- There is sufficient space in the local primary school and secondary school to accommodate the pupils which will be generated from this development.

5. VIEWS OF THE PARISH / TOWN COUNCIL

26th July 2013

- Goostrey Parish Council (GPC) objects strongly to the above planning Application by Bloor Homes.
- The site, straddles Allostock in Cheshire West and Chester (CWAC) and Goostrey in Cheshire East (CEC). All of the proposed housing is within CWAC, but the highway access is within CEC. GPC expects CEC to make the decision in respect of the planning application for the highway access on to New Platt Lane. GPC acknowledges that the proposed houses are in Allostock and it is for CWAC to make the decision in respect of the planning application for the housing. However, we understand that all parties involved (Bloor, GPC, APC, CWAC and CEC) acknowledge that it will be mainly existing community services in Goostrey which will be impacted if the development goes ahead and this is the reason for GPC requiring its objections to be heeded.
- GPC are concerned that Bloor Homes are promoting the site as "Goostrey" as indicated in the Design and Access statement and in the Community Involvement Statement. The bulk of the site is actually in Allostock, with the access to the site in

Goostrey. GPC assume that that the purpose of labelling the development as "Goostrey" is to take advantage of the generally better premium for properties in Goostrey. GPC consider this labelling to be a serious misrepresentation.

- In the Supporting Planning Statement, Section 3.2, it states that "The proposals will have a positive impact on "Goostrey" and the wider area." Yet again Bloor believe they are selling homes in Goostrey, which they are not, but Goostrey will have to shoulder the bulk of any social impact. GPC are concerned to ensure that Goostrey obtains appropriate financial gain for community use to alleviate the increased demands on its primary school, roads, community services etc.
- GPC's greatest concern is the site access road that is planned for New Platt Lane. New Platt Lane is a busy road. The junction of A50 and New Platt Lane is notorious for road traffic accidents, three have occurred already since January 2013. New Platt Lane as it enters into Goostrey is a site for a Parish Council owned Speed Indication Unit and although there are 30mph signs before you access the village cars are regularly recorded travelling in excess of the speed limit and up to 55mph. The SIU is located very close to the proposed junction of New Platt Lane and the site access road.
- GPC believe that lack of available land may have influenced the introduction of a pinch point in the access road rather than the more usual use of rumble strips at these locations. GPC are very concerned that this pinch point is on a blind bend and too narrow at this point to allow the safe access for both one way traffic, cyclists, pedestrians and emergency vehicles.
- GPC do not understand the trip generation figures given in the Traffic impact statement. GPC consider the figures to be unbelievably low. There will be 38 homes probably with two cars each, and as they are family homes there will be commuters who will drive to work, drive to the railway station as it is over 1.5miles away and drive to school as Byley School is the nearest Cheshire West primary school, unless Cheshire West are going to provide a bus service? GPC believe that there will be at least 30 cars leaving the development every weekday morning between 7.30am and 9.30am and the same returning each day.
- The existing public bus service is weak and is insufficient to provide sustainable transport for commuters, even to Holmes Chapel.
- GPC object to the number of dwellings proposed in the development because of the additional demands the development will place on local services. Contrary to the statement in the Supporting Planning statement 3.11: two storey dwellings are NOT reflective of the neighbouring properties. The properties in Lea Avenue are bungalows and despite the existence of substantial poultry sheds on the site, they are lower than the neighbouring bungalows. GPC therefore object to the proposal to build large two storey houses adjacent to the existing bungalows in Lea Avenue, Goostrey. These two storey houses will dominate the existing row of bungalows and create a significant noise and light pollution impact on these existing properties. The density and positioning of the homes are detrimental to existing properties on both Harrison Drive, Allostock and Lea Avenue, Goostrey.
- GPC are concerned about the social impact of positioning the low cost housing in a dark corner of the development. We believe this to be unacceptable. In a conversation

with Bloor, the developer suggested that this grouping is a requirement of the providers of Low Cost Housing to simplify identification of properties for which they are responsible. We are sure that, as there are only a handful of homes, the staff of the housing provider would be easily able to locate them if they were “ Pepper Potted” throughout the development.

- GPC are concerned about the general drainage of the area as the site is known to have existing wet areas. GPC note that the site is to be drained on the separate system with foul drainage discharging to the existing public foul sewer network for which United Utilities is responsible. Surface water from both the dwellings and highway is to be discharged to soakaways. There is a Flood Studies Report included with the Application. Can there be confirmation from the relevant authorities that the drainage proposals for the site are satisfactory and will not adversely affect any existing public or private drainage systems?
- GPC are extremely concerned about the environmental impact on the area especially the conclusions which have been extrapolated from “snap shot “environmental surveys. GPC understand that the Forestry Commission has objected to the damage already done to woodland on the site.
- GPC believe that the level of community consultation and involvement prior to the application has been far lower than is desirable for a proposed development of this significance and probably less than that intimated in the Application. The submission by Bloor indicates that 600 leaflets were sent to residents. GPC find this very hard to believe as not one Parish Councillor received a leaflet through their door and we understand that residents on New Platt Lane did not receive any of the leaflets announcing the “Consultation Event”. GPC only found about the proposal because Bloor booked the Goostrey village hall to hold the event. When we contacted How Planning (their agent) to ask for a meeting to discuss their plans it was refused. Certainly not community involvement in our book!
- GPC ask that Cheshire East Council refuse this application in its entirety.

20th September 2013

- We note that the plans for this development have been updated, although there is now one less house on the development and a few minor changes we do not consider these changes alter our position. Therefore, notwithstanding the amendments, Goostrey Parish Council still objects in the strongest terms to the scheme and the access road.

6. OTHER REPRESENTATIONS

402 copies of a standard letter addressed to Cheshire West and Chester Council, 42 individual letters/electronic representations of objection have been received from local households, raising the following objections, in precis:

Principle of development

- Whilst CW and C Council does not have 5 years supply, this does not justify approval in the planning balance. Other matters cause significant and demonstrable harm so as to outweigh the presumption in favour of housing in NPPF terms
- Out of scale
- Unsustainable development in economic , social or environmental terms
- The site is not identified for development in the Plan
- Harm caused by the development would significantly and demonstrably outweigh the benefit
- Loss of open countryside
- Contrary to the wishes of the local community/inadequate pre-application community involvement
- Impact upon the landscape
- There is no need for more housing
- The proposal is contrary to the Local Plan policies
- Jodrell Bank impact
- The proposed mix of dwellings will not widen choice in the area – driven by profit rather than need
- Design is off the peg, standard units- does not improve design quality of area as required by NPPF

Highways/ Locational sustainability

- Impact upon highway safety due to narrowness of access/contrived nature of the access
- Greater congestion on New Platt Lane and the A50
- Future residents would be dependent on the car
- Pedestrian safety
- The distances to the main cluster of village shops (1,947 m) and to the Primary School (2,287 m) are significantly greater than the Sustainability report submitted with the application
- Areas roads are not as cycle friendly as suggested and not an attractive cycling environment of the majority of people
- There are only five buses on six days of the week, the first leaving Goostrey at 09:30, the last arriving at 14:30, and with a gap at lunchtime. Thus, for instance, the service is not available for employment purposes and for “commuters”, as claimed by the Transport Statement
- General accuracy of the accessibility distances as submitted are questioned

Green Issues

- Despite significant tree removal already, more trees to be lost will be detrimental to quality of the area
- Increased flood risk / impact of drainage on Harrison Drive
- Increased flooding during extreme weather events
- Impact upon the landscape
- Impact on trees and hedgerows

- the plot is a nature habitat for badgers, bats, newts and voles. The survey contained in the proposal is inadequate and needs to be repeated with a longer observation period at more appropriate times according to the species being surveyed.
- Loss of hedge and other vegetation, loss of wildlife habitats

Infrastructure

- The infrastructure in the area unable to sustain such an increase in dwellings and their occupants demands upon services
- Increased pressure on local schools.
- Impact on medical facilities
- The sewage system/drainage system is overstretched and existing pipes can not cope/ Existing pumping station has overflowed in recent years
- Few facilities for youngsters

Amenity Issues

- Over- development of the site
- Over-bearing relationship with existing neighbours
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Overbearing effect on neighbouring properties
- Impact upon residents due to the disruption of services (gas, water, drainage, broadband etc) during installation

Other Matters

- Although the boundary of the main site is outside Cheshire East, the site is part of the 'Settlement' of Goostrey and therefore if this application does go ahead any Section 106 benefits should come to Goostrey village.
- Copies of all the representations can be viewed in full on the web site.

7. APPLICANT'S SUPPORTING INFORMATION:

- Transport Statement
- EIA Screening Report
- Statement of Community Involvement
- Design and Access Statement
- Arboricultural Method Statement
- Design and Access Statement
- Habitat Survey
- Supporting Planning Statement
- Technical Information – Green Screens.

8. OFFICER APPRAISAL

Main Issues

The majority of the site lies within the CWAC area. However, the site access road and, it would appear, a narrow strip of land along the eastern boundary of the site are within Cheshire East. It will therefore be for CWAC to determine whether or not to grant planning permission for the proposed dwellings and it is within the jurisdiction of CEC to grant or refuse planning permission for the access road and the change of use of the strip of land in question to private garden area.

As a neighbouring authority and statutory consultee, however, it is also open to CEC to make representations to CWAC in respect of the main part of the site, for them to take into account when determining their application.

Therefore, the main issues in the determination of the application are the acceptability in principle of the proposed access road and change of use of land and their impact in terms of highway safety, design, amenity, ecology, drainage, trees and landscape.

In respect of the consultation response to CWAC, the key issues are the impact of the development on education, open space and highway infrastructure within Cheshire East.

Principle of Development

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

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

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

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On 15th June 2011 this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which has now been published in the National Planning Policy Framework (NPPF).

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”.

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates 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, and the Government's overall ambitions for affordability.

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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

The application for housing development has been submitted on the premise that CWAC cannot demonstrate a 5 year housing land supply. It will be a matter for that Council to determine whether or not this is the case and whether consequently, paragraph 49 and 14 of the NPPF and the presumption in favour of sustainable development are engaged. It will also be a matter for CWAC to determine whether, if this is the case, the proposal represents sustainable development and *any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in*

the Framework taken as a whole; or whether any specific policies in the Framework indicate development should be restricted.

In the event that CWAC determine that the presumption in favour of unsustainable development should apply and that planning permission should be granted for the development in order to meet a shortfall in the 5 year housing land supply requirement, this would be an important material consideration in the determination of the application for this access road, which would provide justification for a departure from the Congleton Borough Local Plan in respect of open countryside policy.

However, if CWAC refuse planning permission for the housing development, it is considered that the proposed access road would be an unnecessary and unjustifiable extension of built development into the open countryside and should be refused on that basis.

Similarly, the change of use of land to garden area within open countryside is not normally permitted. However, if CWAC approve the application for the new dwellings, the strip of land in question would lie between the existing gardens in Lea Avenue and the gardens of the new dwellings. In these circumstances, no harm to the character and appearance of the open countryside would occur from the change of use of the land to open countryside. However, if planning permission for the residential development is refused by CWAC, the change use will be an unnecessary incursion.

Therefore, if Members are minded to grant planning permission for the proposed access, it is considered that this power should be delegated to the Planning and Place Shaping Manager, pending the outcome of the CWAC planning application.

Drainage and Flooding

The applicant has submitted a flood risk assessment which indicates that the site is entirely located within areas defined as Flood Zone 1. This zone is considered to be at low risk for flooding and residential development is suitable in principle. The nearest watercourse to the site is an unnamed tributary of Bradshaw Brook. A field drainage ditch is located within the southern portion of the site whilst the nearest surface water pond is a former brick pit located 200m to the north west. The report concludes that the proposed residential development is entirely acceptable with regard to flood risk.

United Utilities and the Environment Agency have been consulted on the application, but no response had been received at the time of report preparation. A further update on this matter will be provided to Members prior to their meeting.

Amenity

It is not considered that the proposed change of use of land to gardens would have any adverse impact on residential amenity.

The proposed access road has the potential to impact on the amenity of neighbouring properties, including no 2a New Platt Lane, the curtilage of which the proposed access road will run through. No.2 New Platt Lane, 50 Lea Avenue also have the potential to be affected

due to the proximity of the proposed access road to their rear and side boundaries. Potential impacts include vehicle noise, headlights and overlooking from users of the road.

However, the existing boundary treatment vegetation and tree cover which can be protected through the use of suitable conditions will help to mitigate any impact. The landscaping and boundary treatment can be enhanced through the use of conditions. Furthermore, it is common within suburban residential areas for residential access roads, to run close to side and rear boundaries of other properties. Therefore subject to these conditions, it is not considered that a reason for refusal on amenity grounds could be sustained in an Appeal situation.

Design and Visual Impact

The proposed access road is largely screened from the surrounding area, including the open countryside, by existing properties, tree cover and vegetation, which, as detailed above, could be protected and enhanced through conditions. Therefore, it is not considered that a "stand-alone" reason for refusal on design and visual impact grounds could be sustained.

However, the road would be visible from New Platt Lane and would result in the loss of trees and other vegetation which currently occupies the site - this is discussed in more detail below. Consequently, it would result in a change in the character of the site and a creeping suburbanisation along New Platt Lane extending the built form into the open countryside. As has been stated already, unless there are over-riding material considerations, such as the need for CWAC to demonstrate a 5 year housing land supply, this would be an unwarranted and unjustified incursion and contrary to Policy PS8 of the local plan and the provisions of the NPPF, which includes amongst its Core Principles, the protection of the intrinsic value of the countryside.

Likewise, in respect of the change of use to gardens, as stated above, if CWAC approve the application for the new dwellings, the strip of land in question would lie between the existing gardens in Lea Avenue and the gardens of the new dwellings and would be entirely invisible from the surrounding area. Consequently, there would be no visual impact but if planning permission were not granted, it would represent an undesirable urbanisation of a strip of open countryside.

Trees and Landscape

The section of the application site which falls within Cheshire East forms part of the garden to 2a New Platt Lane. There are trees on the New Platt Lane frontage, trees on the west and eastern boundaries and trees on adjoining land.

The submission is supported by a tree survey, an Arboricultural Impact Assessment and an Arboricultural Method Statement.

A section of a proposed access to the site leading off new Platt Lane would run through the garden to 2a New Platt Lane, in close proximity to a number of trees. Whilst trees on the New Platt Lane frontage are shown for retention, the development would result in the loss of one Leyland Cypress on the western boundary of this property, and it appears the road may be within the root protection area of a number of off-site trees to the west which have

recently been afforded TPO protection by Cheshire West and Chester Council. The trees in question are over mature mature Birch with an understorey of Rhododendron. They are afforded low Grade C in the tree survey.

The pinch point between the trees and the road occupies a relatively short distance, and the number of trees affected would be small. There would be opportunities for planting in mitigation and on this basis any impact on public visual amenity would be limited. Therefore, it is not considered that a refusal on tree grounds could be sustained.

It is not considered that the change of use to garden land would have any tree or landscape implications.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and commented that he does not anticipate there being any significant ecological issues associated with the proposed development.

Highways

There are three key issues in the consideration of the highway implications of this scheme. The first is any potential off-site impacts of the development in terms of congestion at junctions within Cheshire East, which may require some degree of mitigation to be secured. The second is the sustainability of the site and the extent to which it will be dependent upon car-borne travel and the third is acceptability of the proposed access in terms of highway safety and design standards.

With regard to the first issue, in the absence of any objection from the Strategic Highways Manager in respect of the impact on off-site junctions, it is not considered that a refusal on the grounds impacts on the Cheshire East network within the vicinity, or Section 106 contributions towards off-site highways works could be justified.

Turning to the issue of sustainability, the Strategic Highways Manager has pointed out that Goostrey has only limited local facilities. There is a general shop (approx an 8 minute walk), Post Office/local shops (20 minutes), within reasonable walking distance, but the primary school, church, public houses and railway station are about 25 - 30 minutes walk. Thus for employment, shopping and secondary education, as well as most leisure opportunities, a car trip to one of the neighbouring towns is necessary.

Goostrey is served by bus service 319, which operates from Sandbach via Holmes Chapel five times a day. All these journeys are in the daytime inter-peak period, so of no use to commuters or for evening trips. Also the nearest bus stop is a five-minute walk. Thus whilst any additional passengers from the site would be welcome support for the local bus service, only a very small proportion of total trips from the site can be expected to be made by bus.

Because of its rural location, the site is relatively well-placed for cycling journeys as many of the neighbouring towns can be neared, if not quite reached, by relatively quiet back roads. However, cycling is still likely to be a minority mode of transport. It has considerable potential for short trips within Goostrey, for example to the railway station, as a substitute for car.

To encourage these more sustainable modes of transport to be utilised, the Strategic Highways Manager has recommended that a contribution of £40,000 should be made through a S106 Obligation toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey.

As it is the housing development rather than the access road itself which will create the demand for travel, these contributions cannot be secured via a Section 106 Agreement relating to this application submitted to Cheshire East. They would need to be secured through a Section 106 Agreement attached to any approval granted by CWAC for the houses themselves. It is therefore recommended that the consultation response to CWAC requests that this sum is secured to off-set the impact on Cheshire East Greenspaces

With regard to the access itself, the Strategic Highways Manager has examined the proposals and has raised no objection in principle to the proposed access road but has requested additional information and clarification over a number of detailed design issues. This has been passed on to the developer.

Although further plan of the access road has been supplied, it does not address any of the Strategic Highways Manager's previous concerns on the buildability of the access road through the chicane. The roadway and service strip abut the red-line boundary, which means that there is no leeway should these be shown inaccurately or through the middle of trees. The Strategic Highways Manager has asked for clarity on this from the applicants but none has been provided.

As any services will have to pass through this bottleneck, the situation could arise where it would not be possible for services to be maintained safely whilst maintaining vehicle and pedestrian access. Until the applicants can confirm, through a detailed survey of the immediate area, that an adequate service strip can be provided and maintenance carried out without compromising site access the Strategic Highways Manager recommends refusal.

Education

Although the proposed dwellings are located within CWAC, the nearest school to the site is a Cheshire East school in Goostrey. Consequently, there is the potential for the development to place additional burden on Cheshire East education infrastructure. The Cheshire East Education Officer has been consulted but has commented that the local schools have sufficient capacity to absorb any children arising from this development and therefore no education contributions need to be requested as part of the consultation response to CWAC.

Open Space

Similarly, CEC Greenspaces Officers have considered the proposal to determine the potential impact in terms of use of CEC open space.

They have concluded that following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace provision to meet the future needs arising from the development. Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the amount of new Amenity Greenspace required would be 1290m².

Due to the number of retained trees within the development, there is a large part of the site (considerably exceeding 1290m²) which will not be developed for housing, and will be retained as woodland. Subject to appropriate landscaping, access and provisions, which could be secured by condition this could provide adequate on-site Amenity Greenspace.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission, Greenspace Officers have determined, there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

The new development will increase the usage and pressure on nearby facilities at. Therefore off site financial contributions are sought in accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development to increase the capacity of the existing play area at Boothbed Lane. Financial contributions sought from the developer would be;

Enhanced Provision:	£11,812.53
Maintenance:	£38,506.50

It is therefore recommended that the consultation response to CWAC requests that this sum is secured to off-set the impact on Cheshire East Greenspaces.

9. CONCLUSIONS

The majority of the site lies within the CWAC area. However, the site access road and, it would appear, a narrow strip of land along the eastern boundary of the site are within Cheshire East. Therefore, the main issues in the determination of the application are the acceptability of the proposed access road and change of use of land.

The application does not present an opportunity to examine the acceptability of the housing development itself as this is a matter for CWAC. However, as a neighbouring authority and a statutory consultee, it is open to CEC to make representations to CWAC in respect of the main part of the site, for them to take into account when determining their application. In respect of the consultation response the key issues are the impact of the development on education, open space and highway infrastructure within Cheshire East.

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.

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.

In the event that CWAC determine that the presumption in favour of unsustainable development should apply and that planning permission should be granted for the development in order to meet a shortfall in the 5 year housing land supply requirement, this would be an important material consideration in the determination of the application for this access road and change of use to garden land, which would provide justification for a departure from the Congleton Borough Local Plan in respect of open countryside policy.

However, if CWAC refuse planning permission for the housing development, it is considered that the proposed access road and change of use to gardens would be an unnecessary and unjustifiable extension of built development into the open countryside and should be refused on that basis.

Therefore, if Members are minded to grant planning permission for the principle of the proposed access, it is considered that this power should be delegated to the Planning & Place Shaping Manager, pending the outcome of the CWAC planning application.

Subject to confirmation from United Utilities and 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.

Any potential impacts on amenity could be adequately mitigated through the issue of appropriate tree protection, landscaping and boundary treatment conditions. The Council's Ecologist has determined that there will not be any significant ecological issues associated with the proposed development.

It is not considered that a refusal on the grounds of off-site impacts at junctions on the Cheshire East network within the vicinity, or Section 106 contributions towards off-site highways works could be justified. However, given the site's rural location, it is likely to be heavily car dependent. It is therefore recommended that the consultation response to CWAC includes a request for £40,000 for cycle and public transport improvements within the Goostrey area of Cheshire East be included within the consultation response to CWAC.

The Education Officer has confirmed that Cheshire East schools in the vicinity have sufficient capacity to absorb any children arising from this development and that no Section 106 contributions will be required in this respect.

However it is considered that the proposal would place additional burden upon CEC children's play space and it is therefore recommended that the consultation response to CWAC requests that a sum of £11,812.53 to increase the capacity of the existing play area at Boothbed Lane and £38,506.50 towards its future maintenance is secured to off-set the impact on Cheshire East Greenspaces.

A small number of trees would be affected by the development at the "pinchpoint" at the chicane on the proposed access road. However, this is a relatively short distance, the trees concerned are only "category C" trees and the number of trees affected would be small. There would also be opportunities for planting in mitigation and on this basis any impact on public visual amenity would be limited. Therefore, it is not considered that a refusal on tree grounds could be sustained.

Despite the submission of amended plans, the applicant has failed to address the Strategic Highways Manager's concerns regarding build-ability of the access road through the chicane. Furthermore, insufficient space would exist for adequate service strip provision, which could cause a situation to arise where it would not be possible for services to be

maintained safely whilst maintaining vehicle and pedestrian access. The proposal is therefore contrary to Policy GR3 of the adopted Congleton Borough Local Plan First Review

On the basis of the above, it is recommended that the application is refused on the basis of impact on highway safety. Furthermore, that authority is delegated to the Planning & Place Shaping Manager to make representations to CWAC regarding S106 contributions, in the event that they are minded to approve the application which has been submitted to them.

10. RECOMMENDATION

REFUSE for the following reasons:

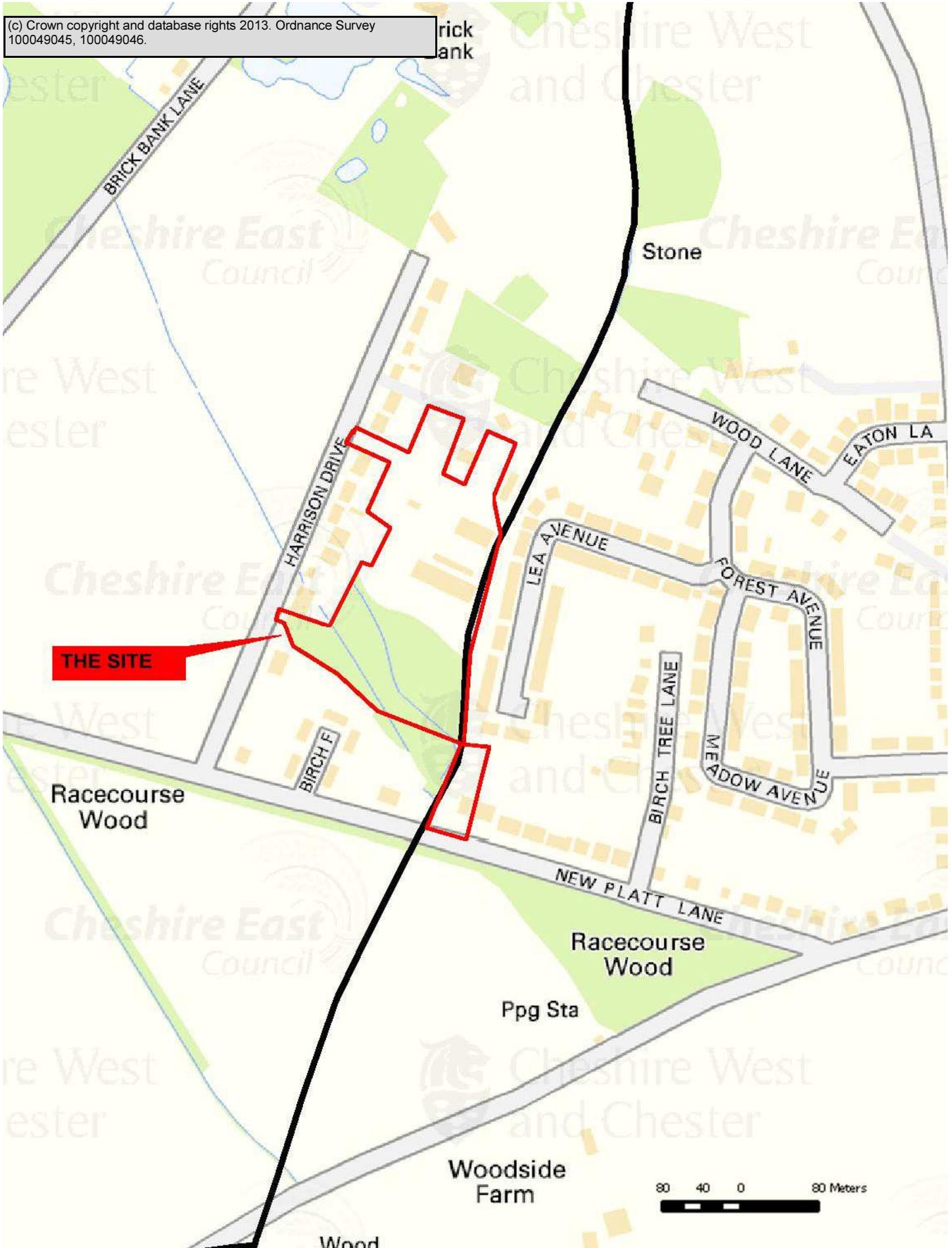
- 1. The proposal fails to take account of proximity to trees offsite in Cheshire West to the west of the access. The proposal is therefore considered to be contrary to Policy NR1 of the adopted Congleton Borough Local Plan First Review which states that proposals for development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value and advice within the National Planning Policy Framework.**

DELEGATE AUTHORITY to Planning & Place Shaping Manager to make representations to CWAC requesting that they secure the following:

- S106 contributions to increase the capacity of the existing play area at Boothbed Lane within Cheshire East:**
 - Enhanced Provision: £11,812.53**
 - Maintenance: £38,506.50**
- S106 contribution of £40,000 toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey.**



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Application No: 13/3294C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

Proposal: Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping

Applicant: Bluemantle Ltd & Sainsbury's Supermarket

Expiry Date: 07-Nov-2013

SUMMARY RECOMMENDATION

APPROVE subject to no objection from retail consultant, Section 106 Agreement and conditions.

MAIN ISSUES

- Principle of Development
- Sequential Test
- Impact Assessment
- Loss of Employment Land
- Landscape
- Highway Implications
- Amenity
- Trees and Landscape
- Design
- Loss of a Non-designated Heritage Asset
- Ecology
- Flood Risk and Drainage

REASON FOR REFERRAL

This application is before the Southern Planning Committee as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

1. DESCRIPTION OF SITE AND CONTEXT

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously occupied by Sanofi Aventis, a

company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road, the Manchester to Crewe railway line to the northwest and the remaining part of the former Fisons site to the east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and accommodates an attractive Art Deco building which fronts London Road. The site is partly elevated compared to the levels at London Road but the topography of the site is generally flat. Many of the buildings towards the rear of the Art Deco building have now been removed and development has begun on implementing the residential scheme further to the east of the site approved under planning ref; 11/1682C and 12/2217C.

1. DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store (4,148sq.m gross/2,345sq.m net sales area), a petrol filling station and 267 car parking spaces. The access to the store would be taken via the existing access road off London Road which would also serve some commercial / industrial units which were previously approved under planning ref: 11/1682C.

2. RELEVANT HISTORY

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 09-Dec-2011

13/1908C - Prior Notification for the Demolition of two structurally independent wings to the rear elevation of the main building - Refused 13-Jun-2011

13/3291C - The buildings to be demolished include two structurally independent warehouse wings to the rear elevation of the main office building (not to be demolished). In addition the modern structurally independent office wing (identified on the accompanying plan) will also be demolished – Approved 28-Aug-2013

3. POLICIES

Local Plan policy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking
GR10 - Accessibility, servicing and provision of parking
GR13 – Public Transport Measures
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

National Policy

National Planning Policy Framework (NPPF)

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
Community Infrastructure Levy (CIL) Regulations 2010
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review
Cheshire Retail Study Update (April 2011)
PPS4 Practical Guidance

4. CONSULTATIONS (External to Planning)

Environmental Health

- No objection subject to conditions restricting:
 - Hours of construction / piling; hours of use, submission of an environmental management plan;
 - Submission of details of a maintenance regime for the biomass installation;
 - Submission of a travel plan.

Highways

- No objection
- Proposals are acceptable subject to local improvements to further traffic management.
- The Strategic Highways Manager recommends that conditions and financial contributions are imposed:

Environment Agency

- No objection
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site.
- The Flood Risk Assessment (FRA) prepared by RSK (dated August 2013, ref 880120 R2(0)) indicates that surface water runoff will be discharged to the River Croco at a restricted rate of 398 litres/sec post development.
- This is a proportion of the previously agreed rate of 1,674 litres/sec for the wider site.
- For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

Natural England

- No objection

Health & Safety Executive (HSE)

- No objection
- This is for a location that was once notified as a Major Hazard site under COMAH.
- It is currently inactive, and may have been for some time. However, it is possible that Fisons, or a previous incumbent such as Rhodia may have applied for Hazardous Substances Consent.
- If there is a Hazardous Substance Consent that runs with this site, then it should be revoked with the Secretary of State.

National Grid

- No objection subject to National Grid apparatus not being affected.

United Utilities

- No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer.
- Surface water should discharge to a soakaway/watercourse/surface water sewer.
- If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

Network Rail

- No objection
- Conditions recommended due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.

Jodrell Bank

- No objection subject to a condition requiring the incorporation of electromagnetic screening materials into the development.

5. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL

The Parish Council supports the application provided that they are consulted prior to any s.106 money being spent in the village. The Parish Council hopes that CEC will look at traffic issues arising from the development, in particular providing a safe pedestrian route to the store from all areas of Holmes Chapel and that a crossing is provided on London Road.

6. OTHER REPRESENTATIONS

Representations have been received from over 40 addresses. 32 letters are in support and 11 against. The reasons for objection are:

- Loss of the former Fisons landmark iconic Art Deco building
- Will have a negative impact on local traders in Holmes Chapel Village
- Will lead to overlooking and harm neighbouring amenity
- Impact on local highway network/ traffic volume / junctions
- Impact of more HGVs on the village
- Design of building out of keeping with the area
- Loss of property value
- Car wash will cause spray to drift over neighbouring property
- Dust
- Glare from lighting
- Do not need anymore shops in the Village
- Retention of the Art Deco building has not been adequately considered
- Does not meet the requirements of NPPF

The reasons for support are:

- Holmes Chapel greatly needs a supermarket
- Existing residents have to travel to other towns to do their weekly food shop
- This will be more sustainable reducing need to travel, carbon footprint and journey times
- Existing building is in poor condition
- Good design
- Will provide employment and contribute to local economy
- Lower petrol prices

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning and Retail Statement
- Design and Access Statement

- Transport Assessment
- Ecological Impact Assessment
- Heritage Statement
- Tree Survey
- Air Quality Impact Assessment
- Site Specific Flood Risk Assessment
- Landscape Statement
- Ground Conditions Assessment
- Noise and Vibration Assessment
- Statement of Community Involvement
- Renewable Energy & Energy Efficiency Assessment

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The application site is shown as being within the Settlement Zone Line for Holmes where Policy PS5, states that there is a general presumption in favour of new development, provided that it does not conflict with other policies of the local plan.

In terms of retail development, the proposal is located within an out-of-centre location being approximately 500 metres from the defined village centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused.

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- A) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- B) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

Sequential Test

In support of the application, a Retail Impact Assessment has been carried out including a sequential approach to site selection. The sequential test is a key element of both the NPPF and

Policy S2 (Shopping and Commercial Development outside Town Centres). In support of this application a number of sites including in-centre and edge of centre have been considered as potentially sequentially preferable to the application site. The sites which have been considered within the catchment area are as follows;

- Holmes Chapel Shopping Precinct
- Public Carpark off Parkway
- Victoria Tennis Club and Associated Recreational Land
- Danebank Farmland
- Holmes Chapel Primary School

Holmes Chapel Shopping Precinct is located within the village centre. However, it is already fully occupied and is only 0.5 ha in size, which is less than a third of the size needed to accommodate the application proposals. The only other village centre site is the public carpark off Parkway. However, this is also too small and would result in the loss of valuable parking within the centre, potentially to the detriment of the existing shopping units within Holmes Chapel. With respect to other units in Holmes Chapel, they are all well subscribed and are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore acknowledged that these sites and units within the village centre are not suitable alternative sites for the size of development proposed.

With respect to the 'out-of-centre' sites that have been identified, Victoria Tennis Club, Dane Bank Farm and Holmes Chapel Primary School have been ruled out due to various constraints. The Tennis Club and the Primary School are still in use and offer valuable services, infrastructure and amenities. They are not presently available and also the principle of their loss would make them less sequentially preferable to the proposed development site. Turning to the Dane Bank Farm, this is located further away from the village centre than the proposed application site and is at least 0.5 ha too small to accommodate the development. As such, the applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre.

Impact Assessment

The impact assessment is also a key consideration and is referred to within policy S2. Greater detail on how to apply the impact assessment is given within the NPPF. The scope of impact assessments is set out in paragraph 26 of the Framework and advises that they should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 1,882 sq.m (80%) of the sales area will be for the display of convenience goods with the remaining 470sq.m (20%) for comparison goods.

The applicant's case is that the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres as it will only contain a limited range of non-food goods. The applicant asserts that the proposal will have a positive effect on the village centre as it will result in linked shopping trips and spin-off trade for the smaller shops within the village. Additionally, it is stated that the application will only divert a modest amount of convenience goods expenditure from surrounding defined settlements and will claw-back £17m expenditure which is currently being leaked to other settlements thereby promoting more sustainable food shopping patterns.

The Council has instructed a retail planning consultant to consider these conclusions and to review the Sequential approach to site selection and the Impact Assessment. This should be received by the time of the meeting and therefore Members will be updated by way of a written report.

Loss of Employment Land

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed. This advice is largely reflected within the NPPF where it states that;

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'

The site has stood vacant for a while and a number of buildings that once stood on the site have now been removed with the exception of the attractive art deco building situated towards the front of the site. An Employment Land Market Assessment was previously carried out by DTZ Planning Consultants. From the market analysis, it concluded that there is no clear evidence to support the development of employment floorspace (office and industrial) on anything but the smallest scale.

Holmes Chapel does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. Locational disadvantages of the subject site, and the lack of profile of Holmes Chapel as an employment location, are such that any new development in the town will serve a predominantly local market. This view is supported by the slow take up on new developments. The majority of local demand in Holmes Chapel is for smaller office and industrial units. The building and surrounding land has been extensively marketed for employment uses with very limited interest having been received. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that the proposal would comply with first limb of Policy E10.

Taking on board the findings of the employment land assessment, the existing extant consent, and the fact that this proposal would generate some 175 full and part-time jobs which still constitutes

economic development (in line with guidance expressed in para 22 of the NPPF), it is not considered that the proposal could be refused on loss of employment grounds. The new jobs created will ensure that the development complements the local area and helps to off-set the loss of employment space. As such, the scheme is deemed to comply with local plan policy E10.

Highways Implications

The site has an extant permission for mixed-use employment and retail which would take access directly from the A50 via a simple priority junction with a ghost island right turn lane. The traffic generation from this development was scrutinised via a Transport Assessment and the Strategic Highways Manager accepted the analysis and recommended appropriate Section 278 works with regard to local traffic impact mitigation and highway improvements.

The applicants have employed a Highway Consultant to produce a Transport Assessment (TA) under the Dept for Transport guidance document: 'Guidance on Transport Assessments' and the Strategic Highways Manager confirms that the TA reflects that guidance in it's: structure, content and assessments.

The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network. It is also noted that the Transport Assessment makes a comparison with the proposed trip rates from the extant planning permission and demonstrates that any variations in impact, either more or less, are very low percentages of existing traffic flows. The Strategic Highways Manager recognises this and acknowledges that variations in daily flow could give this level of variation and accepts that the net impact of traffic generation from this development proposal will be negligible in material terms when compared with the traffic generation from the extant permission.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database and these figures form the basis of the junction analysis provided within the Transport Assessment. The TA has assessed all of the necessary junctions on the strategic highway network which were agreed within the proposed scope and this has included an assessment of junction 18 on the M6.

The capacity of both the proposed junctions and the existing junctions has been assessed with the future development traffic added and shows there is sufficient capacity within existing junctions to deal with the additional flows at the junctions included within the agreed scope for the Transport Assessment. These capacity calculations are provided for both the projected year of opening and the future year 2020.

The traffic generation times for a food retail development vary from that of a normal business day and it has been determined through analysis that a signal junction will be required to serve the development. This is offered for provision through the development and will correctly manage the type and timing of traffic movements from this development. This junction will form a crossroad with Alum Court opposite and the design analysis shows that the junction will have capacity to deal with the projected traffic flows.

In addition, the signals will provide pedestrian phases and there will be provision of a further pedestrian refuge just north of this junction to serve the pedestrian desire line to and from the Portree Drive estate. Discussions have taken place regard to the upgrade of pedestrian facilities

at the existing signal junction at the A54/A50 crossroad where the S.H.M. has noted from a site visit with Parish Council members that revisions and improvements to pedestrian facilities in this location are required. The S.H.M. has provisionally agreed this with the highway consultant and will include these improvements in the notes for the S278 works required for this development proposal.

The site will, like the consented development, have a pedestrian/cycle link to the adjoining residential development which is currently under construction.

There is an additional development area to the rear of this proposal which was within the area of the previously consented development and this may well come forward in the future for a small mixed use development. The highway consultant has completed a sensitivity check on the likely traffic generation from this and has shown that the proposed access junction has the capacity to serve the site on development and in the future year.

As a result of the proposed new signal junction on the A50, the Strategic Highways Manager is recommending that the existing 30mph speed limit be extended out to a point just beyond the location of the proposed signal junction and that the 40mph speed limit be extended southwards to create a buffer zone between the signals and the de-restricted limit beyond the built up area. To this end, the S.H.M. will recommend that a provisional sum for the administration of these speed limit changes is provided by the developer and which will need to be secured via a Section 106 agreement.

Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise.

There are residential properties in the vicinity, mainly those on the opposite side of London Road forming the Alum Court development and those to the north on the other side of the railway line. It is also important to note, that the residential development on the remaining part of the former Fisons site to the east will introduce more properties close to this proposed development. However, sufficient separation will be retained from the proposed development to existing properties to avoid any loss of light or privacy.

Furthermore since the existing use of the site is B2 (General Industry), the proposed use would have less of an impact upon residential amenity. In terms of noise, the application is supported by an Environmental Noise Study which has been considered by the Council's Environmental Protection Unit. It is confirmed that subject to appropriate mitigation measures relating to fixed plant (i.e. A/C, fans and compressors etc) the development would not adversely impact on neighboring amenity.

In terms of air quality, the Environmental Protection Unit initially objected to the scheme due to the lack of an Air Quality Impact Assessment. This has now been carried out and submitted and following this the objection has been removed. As such, subject to conditions, the proposal is found to accord with policies GR6 and GR7 of the Local Plan.

Trees and Landscape

The application is supported by a Tree Survey Schedule and Tree Removal and Retention Plan. The submitted details state compliance with *BS58376:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* and in terms of the categorisation of tree, the submissions comply with the Standard.

It is noted that there are a number of trees proposed for removal on the Tree Retention/Removal plan (outlined in Red). These losses (principally to the southern section of the site) are to allow for the proposed access and for the filling station to the rear and comprise of Lombardy Poplar (16 in number) and various Ash, Cypress, Cherry, Sycamore, Crack Willow, Beech, Alder, Whitebeam and Birch. Most of the trees have been categorised as C2 (low quality trees), including the Lombardy Poplar, which although feature prominently within the immediate locale, are prone to limb/stem failure due to their species characteristics. A smaller number of B2 (moderate category), trees comprising of early mature and mature Cypress, Sycamore and Ash are also proposed to be removed.

Whilst there will be some tree losses, these are low category specimens and it is intended that these losses can be adequately mitigated by replacement planting which will include further advanced nursery stock planting along the London Road frontage and supplementing existing retained Ash, Alder, Sycamore and Pine along the southern boundary of the site adjacent to the River Croco to screen views into the site when approaching from the south. These enhancements could be secured by condition, as confirmed by the Council's Landscape Officer. The impact on the wider landscape will be broadly neutral.

Design

The proposal is for a predominantly single storey (commercial scale) rectangular food store building located toward the northwestern edge of the site, with a taller 'cubed' element toward the corner of the building fronting London Road. The shape of the site would be utilised to provide a service yard to the northeastern corner of the site and the remaining portion would be given over to parking and a petrol filling station in the southeastern corner of the site. The existing landscaped tier to the front would be retained and punctuated with a pedestrian access in the middle travelling up to the corner of the store. The existing vehicular access off London Road would be modified to serve the site.

The store is proposed to be orientated to the south, overlooking a substantial area of car parking. The car parking extends to the south of the site between the building and the boundary with the River Croco and Sanofi Aventis. The western boundary along London Road would be defined by walling, shrub planting and public realm works. The service yard would be partly enclosed by a high timber screen with frontage landscaping but this would not appear prominent as it would tucked away to the rear of the site.

The building will utilise large areas of glazing to the southern and western elevations and will converge and lead to the corner cube feature which will act as a focal point along the London Road frontage. This will be double height with a mezzanine to accommodate a café.

During pre-application discussions, the applicant was advised that the building needed to be of landmark quality to help replace the landmark character of the existing Art Deco building. Whilst it

achieves this to an extent in terms of physical presence, the building will not be as iconic as the existing building. However, the scheme has certain design strengths. The building positioning and entrance point, namely the focal 'tower' has been refined and enhanced, as has the remaining frontage onto London Road. However, the extent of architectural improvement and the quality of design improvement has been limited to a 'dressing up exercise' as opposed to designing something more radical and site specific in the truest sense. Materials will therefore need to be as high a quality as possible.

A major positive element of the scheme is the public realm and landscaping of the London Road frontage, between it and the corner entrance. This will create a strong arrival point for pedestrians, helping to balance between car borne and pedestrian customers. It also reinforces the current tiered landscape setting at the site foreground. It will be important that this is executed to a high quality to provide a positive and attractive frontage to the site and if it is minded to approved, there need to be conditions in place to secure this. Subject to this, the general design and appearance of the scheme is deemed to be acceptable but needs to be balanced against the loss of the existing Art Deco building.

Loss of a Non-designated heritage Asset

The Fisons site, the site of the former Bengers Foods, is both an iconic landmark and a site with a rich social history that is part of the 20th century story of Holmes Chapel. Although documented more fully elsewhere, it is important that in emphasising the heritage value of the site, that in the past, attempts were made to secure spot listing for the factory building. English Heritage in its assessment concluded that the building was not of sufficient merit to be included on the national list but highlighted its potential as an important local heritage asset. In recognition of that, there was an intention on the part of the Heritage and Design Team to secure Member approval to add the frontage element of the factory building to the Council's local list, but that has not come to fruition.

Whilst it is very much a landmark/gateway building, its heritage value is much more than its architectural character, albeit in this regard it is also a rare local example of a 20th century modernist factory building. The Bengers name is both nationally and internationally associated, albeit that the manufacture of Bengers Food ceased many years ago. The site has been inextricably linked with the community of the town since its construction during the mid 20th century and was its most significant employer for many years.

However, it is also a fact that the building has been dormant for a number of years, has suffered repeated incidents of heritage crime and there appears to be no appetite to convert the building for a commercial use, despite prolonged marketing and the benefit of outline planning permission.

The argument has also been made by the applicant that the building cannot be beneficially re-developed for the proposed wider re-use as a food store site. Purely from a built heritage and design perspective, the Council has contended that the frontage part of the building should be incorporated into an imaginative re-use of the site, where all or part of that section of the building could be designed into a new food store. However, this does not fit with the applicant's model and they argue that this would not suit their operational requirements.

As such, the loss of the building is considered to be regretful. However, it becomes a wider planning decision to weigh the heritage loss against the public benefit suggested in the proposal through its redevelopment as a food store. Paragraph 135 of the NPPF states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

The consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. Thus, these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *“in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment”* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line

with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

With respect to ecology, the application is accompanied by a Ecological Assessment. The Council's Nature Conservation Officer has considered the assessment and has confirmed that the most important feature on the site is the existing woodland beside the River Croco. This habitat will for the most part be retained. However, there will be some loss of trees in the vicinity of the proposed petrol filling station in the south-eastern corner of the site. This impact could be compensated for by means of additional native species planting which could be secured by condition. Subject to this, the application is found to be acceptable in terms of the impact on ecology.

Flood Risk and Drainage

Part of the application site is located within Flood Zones 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land.

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources.

In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco.

Renewable Energy

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a Biomass Boiler and Air Source Heat Pump (ASHP). These would be installed to provide heating and hot water. The Biomass Boiler and ASHP has been calculated as providing an energy consumption saving of 37.3%, which exceeds the target of 10% contained within Policy EM18 of the former RSS.

10. CONCLUSIONS

The site is located within the Holmes Chapel Settlement Boundary and relates to an out-of-centre supermarket. The applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre which are sequentially preferable to the application site. Further, the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres. The Council's retail planning consultant is considering these conclusions and his findings will be reported to Members by way of an update.

Although the proposals would result in the loss of an existing employment site, the redevelopment involves new employment generating uses on part of the former factory site and its partial loss has already been accepted on a previous outline approval.

The landscape and design of proposals are considered to be acceptable. With respect to the loss of the Art Deco building, the consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. , these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

The traffic generation is such that in comparison to the extant permission, the differences in traffic impact are in single figure percentages and are considered non-material on the wider network. The development is offering a viable access strategy and improvements to sustainable links, in particular pedestrian links at the new signal junction, a pedestrian desire line (Portree Drive) and the existing signal junction at the A54/A50 crossroad.

The application is considered to be acceptable in terms of its impact upon trees/hedgerows and protected species. It is noted that the majority of tree losses are low category trees in terms of their arboricultural significance and although some removals are deemed to be in the moderate category the impact on the wider landscape will be broadly neutral.

The application is considered to be acceptable in terms of flood risk and drainage. The development would not have a detrimental impact upon residential amenity and is acceptable in terms of the provision of renewable energy on this site.

11. RECOMMENDATIONS

APPROVE subject to:

- **No objection from the Council's Retail Consultant**

Section 106 Agreement to secure:

- **Contribution towards extending the speed limit (Amount TBC)**

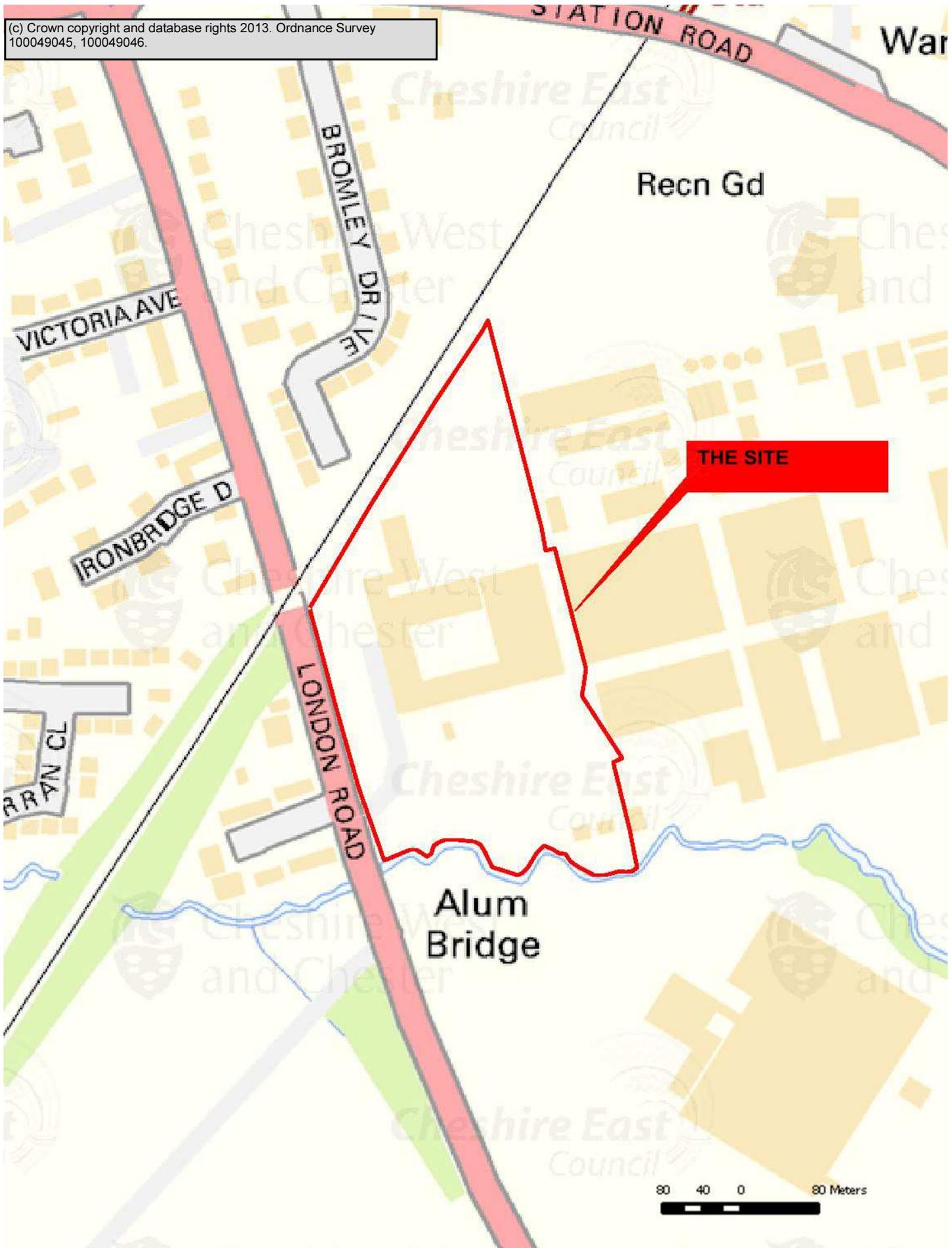
And the following conditions:-

- 1. Standard Time limit (3 years)**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme**
- 5. Implementation of Landscaping**
- 6. Tree protection measures**
- 7. No works within protected area**
- 8. Surface water regulation system**
- 9. Maximum discharge**
- 10. Surface water attenuation measures;**
- 11. Scheme for management of overland flow**
- 12. Construction of access**

13. Provision of parking
14. Provision of cycle parking
15. Pedestrian Crossing Improvements
16. Incorporation of sustainable features
17. CCTV and speed humps to car park
18. Contaminated Land remediation Strategy
19. Jodrell Bank Electromagnetic Screening Measures
20. Breeding Birds Survey during bird nesting season
21. Suite of design and construction plans for the following aspects of the development access strategy to the satisfaction of the LPA:
 - The proposed new traffic signal junction.
 - The upgrades to the existing traffic signal junction at the A54/A50 crossroad to include for pedestrian phase and refuge on the southern arm and pedestrian facilities on the western arm.
 - The central refuge on the pedestrian desire line to Portree Drive.
22. Hours of construction / piling restricted
23. Hours of Use restricted
24. Submission of an environmental management plan
25. Scheme to record the building materials including internal features



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Application No: 13/3915C

Location: CRESSWELL FARM, CHELLS HILL, CHURCH LAWTON, ST7 3RL

Proposal: Erection of essential rural workers dwelling (retrospective) for head herdsman (resubmission)

Applicant: Mr David Moss

Expiry Date: 18-Dec-2013

SUMMARY RECOMMENDATION: Refuse.

MAIN ISSUES:

Principle of the Development
Design
Amenity of Neighbouring Properties
Highway Safety
Ecology
Landscape and Trees
Impact on the Green Belt

REASON FOR REFERRAL

The application has been referred to as it has been called in by Councillor John Wray on the grounds that:

- 1. The dwelling is for an agricultural worker and as such there is a presumption in favour of this application as an exception.*
- 2. It has become retrospective now only because of some additional works to the original specification to create a more comfortable dwelling by the provision of a modest extension.*
- 3. The improvements to specification are not out of keeping or excessive.*

DESCRIPTION AND SITE CONTEXT

The application site is located on the eastern side of Chells Hill, which is designated as being within the South Cheshire Green Belt. The main farm house is sited at the end of the access road from Chells Hill, with several buildings associated with the farming enterprise in close proximity. The site is largely screened from public view by hedgerows and trees.

The building has been largely completed but has not been constructed in accordance with the previously approved plans.

DETAILS OF PROPOSAL

The proposal is therefore a retrospective application for an agricultural workers dwelling at Chells Hill Farm. The dwelling benefits from 4 bedrooms, a family bathroom, kitchen/dining room, living room, farm office and boot room with shower. It has a large two storey element to the rear that did not form part of the approved plans.

RELEVANT HISTORY

10/2731C	2011	Outline approval for agricultural workers dwelling
11/1492C	2011	Reserved matters approval for agricultural workers dwelling
13/3115C	2013	Withdrawn application for agricultural workers dwelling

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Congleton Local Plan 2005

H6 – Residential Development in the Open Countryside and Green Belt

H18 – Dwellings Associated with Rural Enterprises

NR1 – Trees and Woodlands

NR3 – Habitats

PS8 – Open Countryside

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

CONSIDERATIONS (External to Planning)

Environmental Protection:

None received at the time of report writing.

Highways:

None received at the time of report writing.

VIEWS OF TOWN COUNCIL

None received at the time of report writing.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

Policy H18 deals specifically with dwellings associated with rural enterprises, it requires that there is a proven financial and functional need for the dwelling and this was established when the outline application (10/2731C) was approved in 2011.

The siting of a dwelling for an agricultural worker is therefore considered to be acceptable in principle.

Design, Scale and impact on the Green Belt

The National Planning Policy Framework (NPPF) in paragraph 88 states that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.’ Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Having regard to this dwelling, outline consent was granted in 2011, with only access determined at that stage. Appearance, landscaping, layout and scale being reserved matters. However, the design and access statement submitted with the application made clear in paragraph 2.21 of the Design and Access Statement, that *“The exact size of the dwelling will be established with a reserved matters application, however it will be of a modest scale suitable to accommodate an essential worker and his/her family.”*

In order to ensure that this agricultural workers dwelling remained of a modest scale and did not become a large dwelling inappropriate to this Green Belt location, permitted development rights were removed when the outline consent was granted.

On 19th July 2011, reserved matters consent was issued for the remaining matters. When this application was first submitted the plans showed a two storey element to the front of the dwelling, very similar in size to that which has been constructed to the rear of the dwelling, subject of this retrospective application. Following extensive negotiations, the proposed dwelling was reduced in size, removing this two storey element. This was done because officers advised that the proposed building would be considered to be too large for an agricultural workers dwelling in the Green Belt and would be recommended for refusal.

Subsequently amended plans were submitted showing a dwelling of a size that was considered to be acceptable and the application was approved.

It was brought to the Council's attention in July 2012 that the dwelling had not been constructed in accordance with the approved plans and Enforcement Officers carried out a visit to the site. Subsequently a retrospective application was submitted (13/3115C) and following discussions with officers, this was withdrawn as the applicant was advised that it would be likely to be refused. Advice was also given to the effect that if the dwelling was modified and the rear additions removed, the proposal would be considered to be acceptable.

On 17th September 2013 the current application was received. It puts forward the proposal with none of the additional elements removed. The proposal is considered to be excessive in size for the needs of the end user and to be harmful to the Green Belt. It is therefore considered to be inappropriate development in the Green Belt and the harm is not outweighed by other considerations. The proposal would therefore be contrary to national and local policy.

Amenity

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking.

The nearest residential property is the main farm house and due to its siting the new dwelling would have no adverse impact its residential amenities. As a result it is considered that the proposal does not have such a detrimental impact upon residential amenity that would warrant the refusal of this planning application.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan.

Highways

The Strategic Highways Manager has raised no objection to this proposal and given that there is an existing access with good visibility, it is not considered that the proposed development raises any highway safety/parking implications.

The proposal is therefore considered to be acceptable in terms of highway safety and in accordance with Policy GR9 of the adopted local plan.

Landscape and Trees

The proposal would retain the existing hedges and proposes the use of post and rail fencing and hedging plants on the boundaries of the domestic curtilage of the dwelling. This should be secured by condition should the application be approved.

CONCLUSIONS AND REASONS FOR THE DECISION

The principle of allowing an agricultural workers dwelling on this site has been established and the Council do not dispute that there is a functional need and that the business is financially capable of supporting the full time worker that would occupy it.

Extensive negotiations were held with the applicant when the reserved matters application was submitted in order to ensure that a dwelling of a smaller size than was proposed was approved.

Following the involvement of Enforcement the applicant was given the opportunity to reduce the size of the dwelling to something that would be similar to that which was proposed.

The dwelling is excessive in size for the needs of the end user and causes harm to the Green Belt by virtue of the fact that it is inappropriate development that is not outweighed by any very special circumstances.

RECOMMENDATION: Refuse for the following reason:

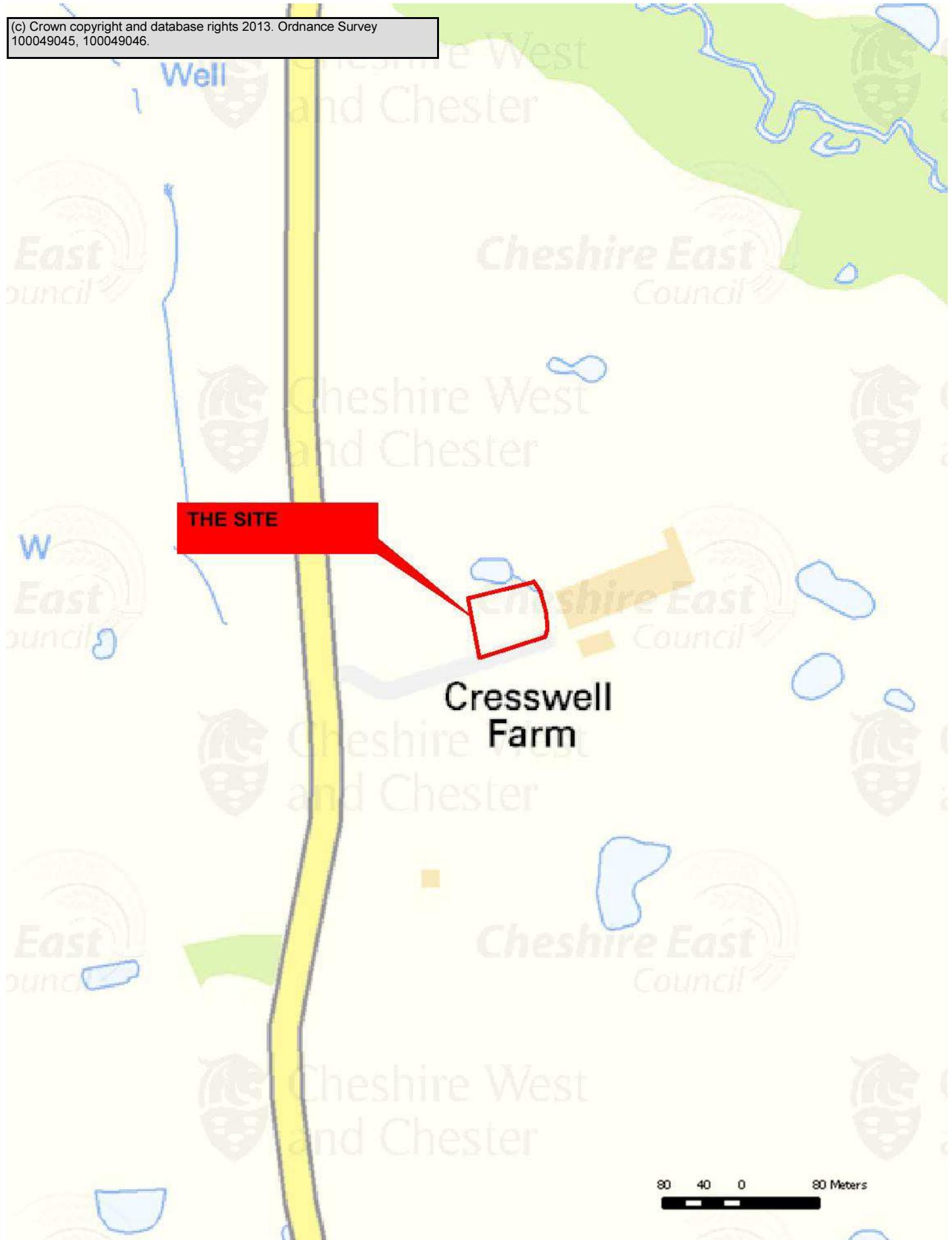
1. The dwelling, by virtue of its scale and massing would be inappropriate development that would cause harm to the Green Belt. Although there is an accepted need for the dwelling to house an agricultural worker, no very special circumstances have been demonstrated for the dwelling to be of such an excessive size. The proposal is therefore contrary to the requirements of paragraph 88 of the National Planning Policy Framework.

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 Southern Area Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 13/4002N

Location: SOUTH CHESHIRE COLLEGE, DANE BANK AVENUE, CREWE, CHESHIRE, CW2 8AB

Proposal: The erection of 50 dwellings, associated access, parking and public open space on land at South cheshire college, Crewe. (Reserved Matters)

Applicant: Scott McKimmie, Redrow Homes NW

Expiry Date: 23-Dec-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Access
Design and Layout
Trees and Landscape
Affordable Housing
Amenity
Other matters

1. SITE DESCRIPTION

The site extends to approximately 1.55ha and is located on the former site of the South Cheshire College. The site is vacant and comprises a mixture of hardstanding hardcore and a small area of green space. The site was formally occupied by buildings and surface car park for the college, which fronts onto Dane Bank Avenue.

2. DETAILS OF PROPOSAL

In July 2007 South Cheshire College submitted two planning applications to Crewe & Nantwich Borough Council proposing the following:

- Demolition of existing campus and buildings and erection of replacement College (Ref: P07/1053).
- Outline application for the erection of up to 91 dwellings (Ref: P07/1054) on part of the College land that would become surplus to requirements following redevelopment of the College campus.

On 18 October 2007 Crewe and Nantwich Borough Council granted full permission for the erection of the replacement College and resolved to grant outline consent, subject to the completion of a Section 106 Agreement, for the residential proposals. The Section 106 Agreement related to the provision of public open space (either on or off-site) and 35% affordable housing, to be provided on site.

Construction of the new College campus took place between 2009 and 2011 and work completed in June 2011. Following the opening of the new campus building and partly due to increased student and staff numbers at the College, problems arose in relation to the adequacy of car parking on the site and a series of complaints were made by local residents within the vicinity of the College about on-street car parking. These complaints were supported by Borough Councillors and a decision was taken in autumn 2011 to investigate the potential to allocate part of the residential land for use as additional car parking to alleviate the problems.

In May 2012 the College received planning permission on part of the land with a resolution to grant consent for residential development for the construction of an extension to the existing College car park (Ref: 12/1030N). The permission, which has now been implemented by the College, was for the construction of a 101 space car park and is subject to a condition limiting the permission until May 2017. The car park extension occupies 0.27 hectares of land, and therefore reduced the land with a resolution to grant consent for residential development from 1.82 hectares to 1.55 hectares.

Members may recall that earlier this year Southern Planning Committee considered a report relating two amendments to be made to the planning application for residential development to allow the College to proceed with the sale of their land for residential development.

These were, firstly, to amend the application site boundary to take account of the recent grant of planning permission for the temporary car park on part of the land concerned, so that it relates to only that which is available to be built out for residential purposes. Secondly, revise the resolution in relation to the provision of affordable housing on the site to take into account viability issues.

Following the resolution by Southern Planning to approve these two amendments, the Section 106 agreement was completed and outline planning permission for up to 91 units was approved on 19th September 2013

This application seeks reserved matters approval for 50 dwellings on the site comprising mix of sizes which covers a wide market demand from approx. 700-1380 Sqft. In addition 810m² of equipped public open space is to be located on site.

2. RELEVANT PLANNING HISTORY

P07/1054 Outline planning permission for up to 91 dwellings – Approved 19th September 2013

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE2 (Design)

BE.3 (Access and Parking)

4. OBSERVATIONS OF CONSULTEES

Sustrans

Note the application for reserved matters for the site off Dane Bank Avenue, Crewe, ref 13/4002N. Comments are as follows:

- Would like to see a shared foot/cycle access from the site, away from traffic, onto Dane Bank Avenue for convenience, and improved access to local facilities.
- A site of this size should make a contribution to improving the local pedestrian/cycle network in this part of Crewe, in an attempt to encourage more walking/cycling.
- Would like to see travel planning set up for the site with targets and regular monitoring.

Public Rights of Way

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026.

The legal status and future maintenance of the proposed pedestrian footpath linking to Dane Bank Avenue, which would enhance the permeability of the site for non-motorised users, would need the agreement of the Council as Highway Authority.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes.

Highways

- The layout is acceptable, other than that I have concerns over the proximity of the driveway to Plot 25 to the driveway from the college. With the layout shown drivers will have to reverse either in or out. I do not consider this to be acceptable on grounds of road safety.
- By relocating the house footprint northwards a turning head could be located to the front of the property, obviating any reversing manoeuvres.
- At present, the northern and southern limits of the cul-de-sac are, I understand, intended to be unadopted. Regardless of whether these lengths are to be adopted, I

consider a more formal turning facility at the end of the southern cul-de-sac would be advantageous. This, however, is a suggestion not a requirement.

United Utilities

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

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

Environmental Health

- The hours of demolition / construction works taking place during the development (and associated deliveries to the site) shall be restricted to:
 - Monday – Friday 08:00 to 18:00 hrs
 - Saturday 09:00 to 14:00 hrs
 - Sundays and Public Holidays Nil
- All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:
 - Monday – Friday 09:00 – 17:30 hrs
 - Saturday 09:00 – 13:00 hrs
 - Sunday and Public Holidays Nil
- In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:
- The method statement shall include the following details:
 - Details of the method of piling
 - Days / hours of work
 - Duration of the pile driving operations (expected starting date and completion date)
 - Prior notification to the occupiers of potentially affected properties
 - Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

- A Travel Plan shall be developed for the site with the aim of promoting alternative / low carbon transport options. This might include the provision of Electric Vehicle infrastructure on the residential properties. The plan shall be agreed with the LPA prior to the first occupation / use coming into effect and shall include suitable and measurable targets with the aim to reduce transport related emissions. The plan shall be implemented and enforced throughout the use, reviewed every 5 years and a report provided to the LPA annually on achievements against the agreed targets
- Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.
- The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:
 - The application area has a history of farming use and therefore the land may be contaminated.
 - This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
 - The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.
 - The application area is located adjacent to a sewage works which has the potential to affect the subject site.
 - Recommend standard contaminated land conditions

5. VIEWS OF THE PARISH / TOWN COUNCIL

No comments received at the time of report preparation.

6. OTHER REPRESENTATIONS

Representations have been received from neighbouring residents making the following points:

Principle

- Generally support the application
- There are sufficient houses around here for sale as it is. We do not need anymore.

- The whole area will change as any further buildings will impact on lives, safety and well being.

Disturbance During Construction

- Concerned about the effects on the local residents while it takes place. Remembering only too vividly the prolonged disruption and misery of the recent re-development of South Cheshire college
- Bitter experience of the recent redevelopment of South Cheshire College fresh in mind and additionally the fact that the proposed development is bordered on three sides by mature residential area's
- BAM Construction and the council ignored when construction the college, is the inadequate access that is the portion of Somerville St from Nantwich Rd. These constructors also failed to make provision for their employees to park their cars and so aggravated the situation as to congestion so caused by inconsiderate contractors. Various residents also expressed concern at the damage being caused by the amount of HGV traffic along the narrow part of Somerville St.
- The new college was constructed by BAM Construction, who published that they were considerate contractors, this was not the case, and council employers who job it was to enforce BAM to comply with the contract with the council to abide by the councils terms and conditions for construction, failed to safeguard local residents from inconsiderate actions. This must not be allowed to happen again.
- Request that the Planning Committee impose the most stringent Construction Management Plan requirements upon the developers.
- This plan must be specific ref the parking of contractors/ sub contractors vehicles in the surrounding streets, the parking of HGVs whilst waiting to unload, general cleanliness of the access streets, defined hours of work/ avoidance of anti-social hours.
- These requirements to cover not only onsite activities e.g. hours of work, dust and unnecessary noise. But also to cover offsite issues such as a total ban on HGV's delivering to site waiting in any of the surrounding streets, a ban on contractors/sub contractors parking in the surrounding streets, roads to be regularly swept clean and an approved/agreed access route for HGV's as there are also seven schools plus the college in this area.
- Urge strict site regulations be imposed to include NO parking of contactors vehicles in the surrounding streets and NO waiting/parking of HGV and delivery vehicles in the surrounding streets.
- The main points the developers should abide by are, 'no HGV's on site or side streets before 8.00 a.m., 9.00 a.m. Saturdays. Work to finish by 6.00 p.m., 1.00 p.m. Saturdays. No Sunday working. No noise before 8.00 a.m., 9.00a.m. Saturday. Keep the area clean, road sweepers etc.
- A temporary site entrance should be made either onto the existing college road or direct onto Dane Bank Ave. This would alleviate all problems of access via Somerville St and Lunt Ave/Ruskin Rd. This was suggested for the college rebuild but did not happen because of inconsiderate contractors, inept college management and no common sense from council

Parking / Congestion

- Request that a clear access route is defined and communicated to all people requiring access to the site to avoid the congestion experienced during the college development.
- There are enough parking problems with the collage without 50 homes being built Residents have had cars parked across their own drives and had to call the police and that's before 50 new homes two bed homes with one parking space or three with two parking spaces
- Everybody gets a car and they then park on Dane Bank Ave or Somerville
- The homes and access are fine its just parking which causes concern
- There is not sufficient parking for students at the college to start with without taking vital parking away from the students.
- This would cause complete chaos in the area as the students as before will park all along Somerville St, Kingsway, Lunt Avenue.
- This is a very busy area and is already over parked. The emergency services use this route to get to incidents in the area.
- It is a main route for children to go to school and is already dangerous .
- Young people drive from college like it's a race track as it is and if there are more children it won't take long before someone is killed.

Amenity / Layout

- Request reconsidering the size and location of plot 1,2,49 & 50 to achieve a more welcoming entrance and exit.
- Concerned about plots 49 & 50 on the grounds of outlook and loss of privacy
- No objection to the vehicular access via Norbreck Avenue
- The design statement chose not to use any examples of properties in Norbreck Avenue or similar properties in the "Context - Surrounding Area" section which should have been the principle reference as 45 of the proposed dwellings are accessed via Norbreck Avenue / Somerville Street, and not by the other roads highlighted in the document as representative of the area.
- This application has compromised the residential amenity to get in as many dwelling units on the reduced area of the original site as possible. The proposed arrangements at the Norbreck Avenue entrance have been impacted the most and the applicant should reconsider the positioning and the size of Plots 1,2,49 and 50 to achieve a more welcoming entrance and exit to the development.
- Emphasis has been placed on amenity value of boundary design / materials overlooking South Cheshire College from the site but only general statements have been made about quality of materials and design on the access road in to the development from Norbreck Avenue.
- There should be changes to the plan to include an appropriate cohesive and consistent design along the lines of the high walls with render panels and high railings along Norbreck Avenue as proposed elsewhere on the development.
- Plot 1 (Stratford) should be pushed back to match the remainder of building line to Norbreck Avenue (No's 1,3,5 & 7) and give a much less congested look to the main entrance into the development.
- Plot 2 (Cambridge) would benefit from being pushed back on the site to match the remainder of the buildings on Norbreck Avenue.

- Plot 50 (Cambridge - with rendered front). The proposed rendered front elevation is not in context with the rest of Norbreck Avenue which are of red brick, as would have been clear in the application if the context had been properly described within the application. It would be preferable to have a more cohesive style to this highly visible property.
- Pushing back Plot 1 (Stratford) would improve sight lines and safety. There will be a lot of cars using this development, all passing this point in an out.
- Plot 2 (Cambridge) would benefit from being pushed back on the site to match the remainder of the buildings on Norbreck Avenue. The drive is dangerously close to a blind corner as a result of the current planned forward positioning.
- The outline of 41 Vine Tree Ave is not correct. Also there are trees on the adjacent property (39) that are not shown on the submitted plans.

Cycle / Pedestrian Link

- Strongly object to the request for a pedestrian/cycle route connecting Somerville street to Dane Bank Avenue.
- All the benefits created by the various alley gates in the local area would be wiped out by the creation of such a path.
- Object to the submission made by SUSTRANS, it is blinkered and probably goes against most sensible security considerations!
- 10s maybe 100s of thousands £'s have been spent in this area on alley gates in recent years in the name of security. There is no sensible reason to impose this submission and hence vulnerability onto this development/residential area.
- This site has not been an accessible through route for some 2½ years and doubt that there have been complaints.
- What does exist during daylight/term time is a route through the SCC property which does seem to be the accepted norm by all parties
- Path must be considered a risk to security and would create a 'ratrun' which would presumably be difficult to police .

Schools / infrastructure

- There are not sufficient schools with vacant places as they are already full .
- There is no play area for the children who live around here and even more would make the area more dangerous as it is already.

7. APPLICANT'S SUPPORTING INFORMATION:

- None submitted

8. OFFICER APPRAISAL

Main Issues

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues in question in this application, therefore, are the acceptability of the access, appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Access

The proposal involves the formation of the main access to the site from the end of the existing Norbreck Avenue cul-de-sac.

Residents have raised various traffic and highway safety issues including implications on the wider network, traffic generation, speed of vehicles, congestion and parking on surrounding streets. Whilst these concerns are noted, given that the principle of the development has been approved, the impact on the wider area cannot be re-examined at this stage given their approval on the outline application.

Therefore, the only issue in terms of access, which is under consideration in this application, is the internal site layout and parking provision within the scheme.

On entering the site, the main spine road turns 90 degrees to the south for a short distance, before turning 90 degrees to the west to form a T junction with 2 private drives serving properties to each side. The proposal utilises Manual for Streets features such as squares with contrasting surfacing materials

The Strategic Highways Manager has been consulted on the proposals and commented that the layout is acceptable, with the exception of the proximity of the driveway to Plot 25 to the driveway from the college. With the layout shown drivers will have to reverse either in or out. This is not considered to be acceptable on grounds of road safety and an amendment has been requested from the developer. A further update on this issue will be provided to Members in due course.

Design and Layout

The Urban Design Officer has commented that proposal should be informed by its context. The college building, which is an innovative design, sets a positive context for the site, and the design should relate to it and feed off it, rather than watering it down. This need not necessarily be in terms of the architectural form of the houses, but it is considered to be important that the layout relates well to the college campus.

The layout which you have submitted for consideration “turns its back” on the college campus and fails to achieve this positive relationship. This is a departure from the principles which were set out at the outline stage in the Design and Access Statement. It would also raise concerns about the treatment of this boundary.

A 2m rear boundary brick wall or timber fence along the whole length of the college driveway would create a harsh and inactive frontage in this prominent location alongside the well trafficked main entrance to the college. If a hedge is provided, this would take time to establish and would not, certainly in the short term, provide the desired level of privacy to back gardens. This would lead to home-owners replacing sections with their own fences / walls, which would create mix of boundary treatments along the driveway, which would be

equally undesirable in visual terms. A low or open boundary treatment would create undesirable views from the college drive of domestic paraphernalia on rear gardens and would create privacy issues for future residents. This would lead to pressure to erect screen fences and walls, which if undertaken in a piecemeal way would have an adverse visual impact when viewed from the college drive. Although permitted development rights for such works could be removed, in view of the issues outlined above, applications would be difficult to resist.

Whilst it is acknowledged that the site is accessed from Norbreck Avenue, and there is no access permitted from the college grounds to the housings, site, the houses could be arranged to front onto the driveway, with pedestrian access and small garden areas to the front, and a low wall / open railing on the boundary with the college to prevent access to the campus and parking to the rear.

These concerns have been brought to the attention of the developer during pre-application discussions. However, they have made it clear that they consider that a layout with properties fronting on to the college drive would be unworkable and unsalable. Furthermore, a low boundary of this nature would generate security concerns for the college outside opening hours. Therefore, the developer is not prepared to amend the overall layout of the scheme.

However, they have given careful consideration, to creating a high quality boundary treatment to the college driveway. This comprises a 1.2m high rendered wall with a 600mm railing on top. The wall would be broken up with full-height brick pillars. Landscape planting would then take place in front of the wall along the college drive to soften the impact. Whilst not as desirable in urban design terms as development fronting onto the college drive, if the development is to “turn its back” on the campus, this overall approach is considered to be the best way in which to minimise the impact of the rear boundaries on this important public entrance to the site.

In terms of detail there remains some concern that the solid part of the wall is only 1.2m high. This means that visitors to the college along will be able to see all the domestic paraphernalia in back gardens. It is therefore considered that the railings should start above eye level, to create a 1700mm wall, with a 300mm railing on top. There is also concern about the white rendered panels and whether this might encourage graffiti. A contrasting brick might be better. The developer has been asked to review these issues and to look at bricks and materials used on the college building to tie the two features together. A further update will be provided on this matter.

Therefore, whilst the Urban Design Officers concerns are noted, there is also some sympathy with the realities and practicalities of the situation and the position of the developer and the college, and, on balance, subject to the implementation of the proposed boundary treatment as described above, including the suggested amendments, it is not considered that a refusal on design grounds could be sustained in this case.

As originally submitted, there were a number of concerns in respect of other aspects of the boundary treatments. These were as follows:

- Plot 2 Wall on plot should be continued to replace fence to roadside.
- Plot 19 Fence adjoining road should be replaced by wall.

- Plot 25 Fence to side / front should be replaced with wall to match adjoining length.
- No information is provided for the boundary treatment to the north of the site where this adjoins the retained college grounds.

These have been addressed through additional submissions, and the Landscape officer is now satisfied that the other proposed boundary treatments are acceptable.

With regard to other aspects of the layout, positive elements such as the Manual for Streets approach, frontage development to Dane Bank Avenue, and well-overlooked streets and public open space, aiding natural surveillance. The public open space has been located where it will aid the retention and protection of the trees within the site.

There is some concern, however, that the two blocks of Mews properties have very car dominated frontages, with cars parked in front of living room windows and no space for landscape. Also cars would be parked in front of the windows of neighbouring properties. One of the blocks of car dominated frontage forms the focal point at the end of the street as the visitor enters the development.

The developer has therefore been asked to consider splitting these blocks into 2 pairs of semi-detached houses, and then swapping one of the pairs with a detached in the same row, thereby spreading the parking spaces out and creating more space for landscaping. A further update will also be provided on this matter.

To turn to the elevational detail of the scheme, the surrounding development comprises a mixture of traditional terraces, inter-war-semis, to the north and east of the site and more modern detached bungalows and houses to the south.

The proposed properties are traditional gabled and pitched roofed dwellings which incorporate many features such as canopy porches and window head details render elements and hanging tiles, which add visual interest and can be found on existing properties in the vicinity, including the college building itself. It is therefore considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

In terms of materials the developer has proposed a mixture of yellow and red facing bricks with red feature bricks. The proposed yellow bricks are not in keeping with this area, which borders the traditional red-brick Victorian terraced streets of Crewe. Therefore conditions will be imposed requiring a different red brick to be submitted, and the use of a blue feature brick on some properties which will also help to assimilate the development with its surroundings.

Roofing materials proposed are a combination of red and slate grey tiles. It is not considered that the red tiles are appropriate or in keeping with the character of the area and therefore a condition will be imposed requiring the use of slate grey on all properties.

Landscape

The Landscape Officer has examined the proposal and commented that the Landscape Structure plan shows tree planting and provides a schedule of planting material but does not detail the proposed planting on individual plots. The general planting design principles appear

reasonable but a detailed plan will be required. The layout indicates a proposed adventure play area in TPO tree area.

Forestry

There are a significant number of trees on and adjacent to the site, including Oak trees protected by the Crewe and Nantwich Borough Council (Former Grounds Maintenance Depot, Dane Bank Avenue, Crewe) TPO 2003 in the south east corner of the site.

The submission is supported by an Arboricultural Impact Statement (AIS) and Method Statement dated June 2013. The reports states that it should be read in conjunction with Tree protection plan 447.02 and initial pre-development tree survey dated May 2013 (ref.MG/4471/TreeSurvey Report). The report also refers to Redrow layout plan 1122-02-02-001 Rev D.

The AIS indicates that the development as proposed would result in the loss of nine individual trees, (one grade A, one B and one C), together with five groups of trees, (two Grade B and three Grade C). One individual tree and one group of trees would be removed due to condition. In addition pruning works are recommended for five individual trees and a Leyland Cypress hedge on neighbouring land and the need for special working methodology is identified in respect of five trees including three subject to TPO protection.

The proposal, as originally submitted raised the following forestry Issues:

- The layout under consideration was Redrow 1122-02-02-001 Rev G and therefore the tree information could be viewed as out of date.
- The layout would result in the removal of grade A and B trees. However a good design should retain such trees wherever possible.
- The gardens and rear elevation of plot 3 (and to a lesser extent plot 4) would be dominated by the overhanging crown of an Ash tree on neighbouring land. Greater separation was recommended.
- The social proximity between plot 20 and adjoining TPO trees was considered to be poor and greater separation needed to be secured. As originally proposed, the risk of future pressure to prune or even fell the trees was high.
- Taking into account levels in the vicinity, it was considered that the proposed driveway to plots 19 and 20 in the root protection area of TPO trees was likely to result in harm to the trees.
- The AIS did not consider the proposed impacts of providing an adventure play area within the area of TPO trees.
- It was considered that the routing of drainage through the area of TPO trees would be likely to result in significant harm and that the route needed to be reconsidered.

Overall as originally submitted, the Council Landscape Officer was of the view that the layout was unsympathetic to trees of amenity value and could result in harm to TPO trees. These concerns were brought to the attention of the developer and additional information and a revised layout plan were submitted.

The Arboricultural Impact Assessment has been updated to include a reference to the latest layout plan rev H but other parts of the report have not been updated according. The AIS still

does not cover drainage issues. General tree loss is still a concern. If losses are unavoidable, this adds weight to successful protection and retention of remaining trees.

Plots 3 – 6 moved have been moved to improve separation from trees. This is better but the Ash tree will still be dominant on plots 3 and 6. There has also been an amendment on plots 19 and 20 and the driveway is better. However, it is still considered that plot 20 in particular will be dominated by trees.

The play area has been relocated which is better for trees. However, without specific information on a revised drainage route the Landscape Officer still does not have confidence that the protected trees would be unharmed.

The developer has been made aware of these continued concerns and a response was awaited at the time of report preparation and a further update will be provided to Members prior to their meeting.

Amenity

The site is bounded by existing residential development in Norbreck Avenue, and Somerville Street to the west and Vine Tree Avenue and Dane Bank Avenue to the south. It is generally regarded that minimum distances of 21m should be maintained between principal elevations and 13m between a principal elevation and a flank elevation in order to provide adequate standards of amenity for existing and proposed dwellings

Distances in excess of 21m will be achieved between the front of the proposed dwellings on plots 21 to 25 and the existing properties on the opposite side of Dane Bank Avenue, as well as between the rear of plots 9, 10, 18 to 20 and the rear of the dwellings in Vine Tree Avenue. 13.7m will be achieved between the gable of the proposed dwelling on plot 8 and the rear of 32 Vine Tree Avenue., The recommended distance of 21m will be considerably exceeded between the rear of the dwellings on plots 3 to 8 and the rear of the properties on Somerville Street, which will stand over 40m away.

To turn to the standard of amenity within the site, the scheme achieves the recommended 21m between principal windows, and 13m between principal elevations in the majority of cases. There are 2 instances where, separation distances between front elevations are reduced to approximately 12m, for example between the front of plot 26 and plot 15. However, Government advice indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. This would in turn increase pressure to develop further Greenfield sites in order to meet the Borough's housing land supply requirements. Furthermore, modern urban design principles based on Manual for Streets, encourage the tightly defined streets and spaces. It must also be considered that the fronts of properties are susceptible to overlooking from the public realm in any event and therefore separation is not as critical as it would be to the rear.

All of the proposed dwellings benefit from the required 50sqm of private amenity space. Therefore it is considered that the proposal complies with local plan Policy BE1 (Amenity).

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling.

According to the design and access statement the open space requirement for the proposed development is an area of 1750m². 810m² of equipped public open space is to be located on site which amounts to 46% of the total requirement. A commuted sum will be provided to council in lieu of the remaining short fall of 54%. This is in accordance with the terms of the Section 106 Agreement attached to the outline consent.

The P.O.S area is located in and around the protected trees to the southern parcel of the site. This allows the retained trees to become an integral part of the estate. The P.O.S benefits from natural surveillance by direct over-looking from the frontage of five dwellings.

The area will be equipped with Ludus Adventure trail systems timber play equipment which is designed to test and encourage physical and mental skills, confidence and interaction. The timber uprights are construction grade 115mm x 115mm laminated European redwood which are less prone to splitting than traditional timbers; they are sourced from sustainable managed forests and are FSG certificated. The views of the Council's open space officer, with regard to the suitability of this equipment were awaited at the time of report preparation and a further update will be provided in due course.

Pedestrian and Cycle Provision

The perimeter of the open space is framed with a pedestrian footpath that links the estate with Dane Bank Avenue. The Council's Rights of Way Officer and Sustrans have supported this proposal

It is normally considered to be desirable and good practice to provide and improve pedestrian and cycle connectivity through development sites to encourage the use of sustainable modes of travel by providing more direct routes to destinations such as the town centre. However, in this case, there are good quality alternative cycle and pedestrian links to the town centre. Given the small size of the site, it is not considered that the failure to provide a through-route would result in residents of the site being discouraged from walking or cycling to the town centre particularly, as the town centre lies to the north and the link would provide access to the south. However, it would provide improved linkages towards the town for existing residents in Dane Bank Avenue and the residential area to the south of the site, although, as objectors have pointed out, this route does not exist at present.

Therefore, if Members share the concerns of local residents, it is open to them to impose a condition to prevent the provision of a pedestrian and cycle link from the site to Dane Bank Avenue. Alternatively, if they share the view of Sustrans and the Rights of Way Officer, a condition could be imposed requiring the provision of the link.

Other matters

Environmental Health have requested a number of conditions relating to contaminated land, lighting and travel plan. However, these issues were also considered by Crewe and Nantwich

Borough Council planning committee at the outline stage, which imposed the conditions that they found to be necessary. It would be unreasonable to add further conditions of this nature at the reserved matters stage.

Similarly, United Utilities has requested a number of conditions in respect of drainage. However, the matter of drainage was considered by the Council as part of the outline application and any necessary conditions were imposed at that stage.

Environmental Health, have also requested, along with local residents, conditions to control hours of construction, dust emissions and require the submission of a Construction Management Plan. As with the other issues matters above, such conditions should not normally be imposed at the reserved matters stages as they should have been considered as part of the principle of development. However, in this particular case, the resolution to grant outline consent was given over 5 years ago, and at the time the exact layout of the development, and it's close relationship with existing properties was not known. Furthermore, in the intervening period the college campus has been redeveloped which has limited the opportunities for alternative points of access and also generated a number of amenity issues for local residents. Therefore, in the light of this experience, and the detail of the residential scheme which has now emerged, in this case, it is considered to be reasonable to add a hours of working, dust mitigation and Construction Management Plan conditions to the reserved matters approval.

9. CONCLUSIONS

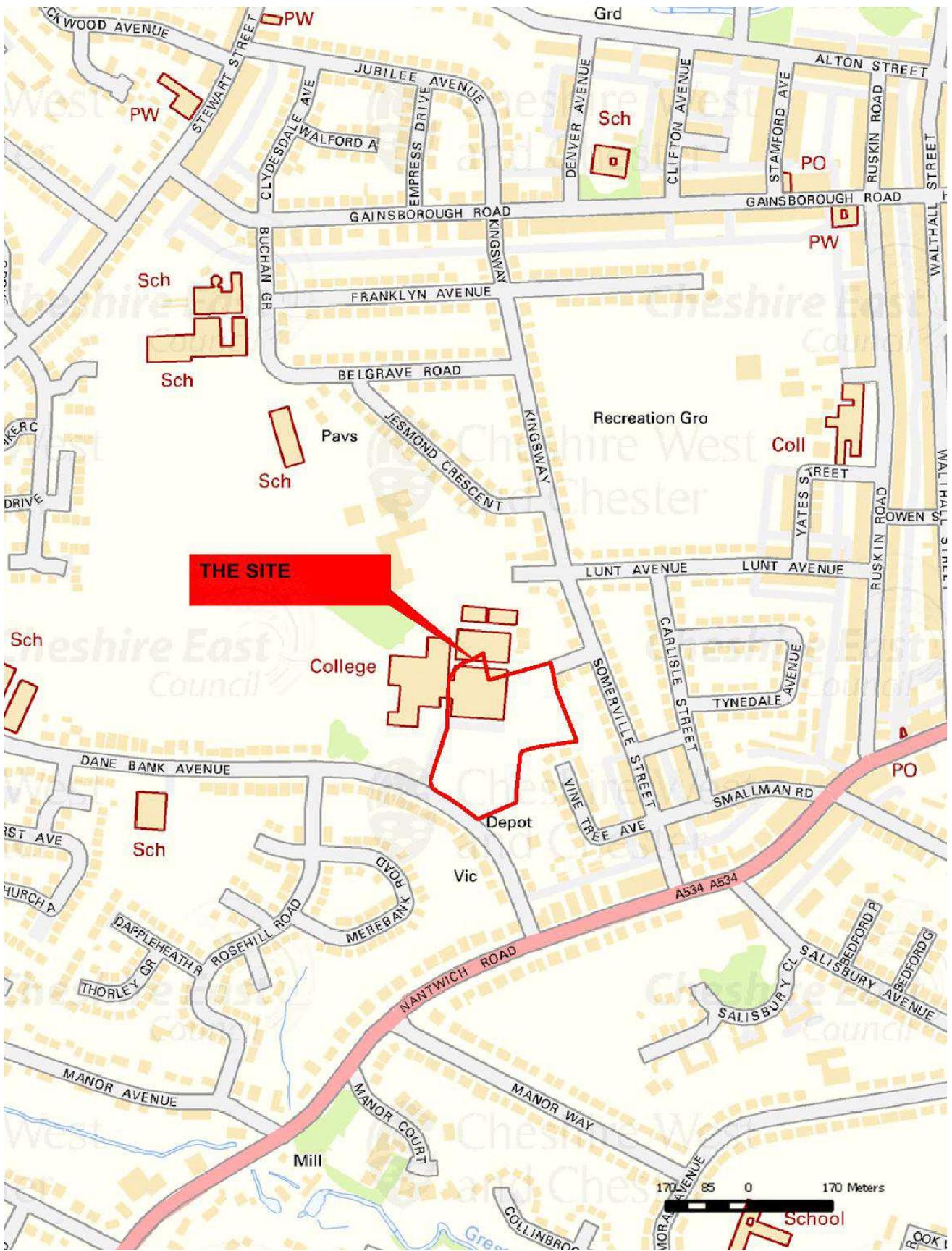
Subject to the receipt of the amended plans and additional supporting information referred to above, for the reasons given above, and having due regard to all other material considerations it is considered that the proposed development complies with the relevant local plan policies and accordingly it is recommended for approval subject to the standard conditions relating to approved plans, materials, boundary treatment and landscaping.

10. RECOMMENDATIONS

APPROVE Subject to the following Conditions:

- 1. Standard**
- 2. Approved plans**
- 3. Materials to be slate grey roofs, red facing brick with red / blue feature brick – details & samples to be submitted**
- 4. Landscaping to be submitted**
- 5. Landscape implementation**
- 6. Submisison, approval and implementation of Construction Management plan**
- 7. The hours of construction works (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 8. Piling operations restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil**

9. **Submission, approval and implementation of piling method statement**
10. **Submission, approval and implementation of scheme to minimise dust from construction**



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Application No: 13/4045C

Location: LAND AT HAVANNAH STREET, CONGLETON

Proposal: Proposed demolition of existing buildings and erection of 17No dwellings, comprising 8No one bedroom flats and 9No two bedroom houses.

Applicant: Mike Watson, Plus Dane Housing Association/STG

Expiry Date: 07-Jan-2014

SUMMARY RECOMMENDATION:**Refuse****MAIN ISSUES:**

- **Planning Policy And Housing Land Supply**
- **Loss of Employment land**
- **Affordable Housing**
- **Ecology and Impact on Wildlife Corridor**
- **Site Layout and Design**
- **Amenity of future residents**
- **Highway Safety, Congestion And Traffic Generation**

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

This application relates to an area of land in Congleton, situated between Havannah Street and the River Dane, which currently has two industrial buildings and a large expanse of hardstanding. The buildings have been vacant for a number of years, despite efforts to lease them for employment purposes.

The hardstanding area in front of the buildings falls away into the steeply sloping, densely wooded wildlife corridor to the River Dane, which forms the northern boundary of the site.

The area has a mix of industrial and residential development. To the west is Washford Mill, which is a Victorian complex of stone dressed brick mills, which incorporate a working water wheel, which is a Grade II listed building. Immediately adjacent to the southern boundary are a small industrial unit which currently stores and distributes bottled gas

The site is designated in the local plan as being within the settlement zone line of Congleton, in an area at risk of flooding and a wildlife corridor runs along the river which abuts the site. Whilst not allocated the site was previously in employment use.

DETAILS OF PROPOSAL

This is a proposal for affordable housing comprising 3 individual blocks and associated access and parking, accessed via Havannah Street. The Applicant is a Registered Provider. The development will comprise 17 x 2 storey units in three separate blocks and will include a total of 8 no one bedroomed flats and 9 no two bedroomed houses

Eight car parking spaces are formed at the entrance to the site. The 3 blocks of housing and flats are placed on the site in a linear formation within central plateau and will face onto the River and wildlife corridor. There are two blocks of houses with small individual gardens to the rear. The gardens themselves are at a significantly lower level than the neighbouring industrial sites.

Overall there are 20 car parking spaces provided. There is a dedicated bin store with a small area of private amenity space to the front of the proposed flats, which comprises outdoors clothes lines and a small amount of sitting out space.

RELEVANT HISTORY

09/0080/FUL - New build residential development of 22 apartments, bin and cycle stores and associated works. Demolition of existing commercial units and change of use to residential. (Un-determined – S106 Agreement not signed)

POLICIES

Local Plan Policy

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

H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns
E10	Existing Employment Sites

Other Material Considerations

- The National Planning Policy Framework (NPPF)
- SPG1 Provision of Public Open Space in New Residential Developments
- SPG2 Provision of Private Open Space in Residential Developments
- SPD4 Sustainable Development
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.
- Congleton Town Strategy

CONSULTATIONS (External to Planning)

Environment Agency

Objection on basis of the inadequacy of the information submitted with regard to flood risk. Further comment awaited in respect of additional information submitted by the Applicant to the EA. This updated assessment will be the subject of an Update report.

Environmental Health

No objection subject to conditions concerning hours of work, mitigation strategy for building works to minimise dust, noise mitigation; phase II contamination report

Strategic Highways Manager

Recommends refusal on grounds of inadequate information and severe impact of the proposed internal road layout upon safety and the lack of ability for refuse vehicles to adequately serve the development.

United Utilities

No objection but advise that a public sewer crosses the site and they will not permit building over it. An access strip of no less than 6 metres wide, measuring at least 3 metres either side of the centre line of the sewer, is required for maintenance or replacement.

Green Space Manager

Offers the following comments

Amenity Greenspace

If the development were to be granted planning permission there would be a surplus in the quantity of amenity greenspace provision, having regard to the local standards set out in the Council's Open Space Study.

The site layout plan illustrates a linear piece of Amenity Greenspace on site to the frontage of the River Dane.

It has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

Children and Young Persons Provision

If the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

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

The Council recognises that smaller developments will not always practically be able to provide play provision on site where less than 20 dwellings are proposed. Therefore contributions would be sought towards enhancement of play provision within an 800m radius.

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

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

VIEWS OF THE TOWN COUNCIL:

Congleton Town Council has no objection subject to nearby businesses not being disadvantaged by noise complaints from future residents

OTHER REPRESENTATIONS:

Two local residents object on grounds of -

- Additional parking congestion on surrounding streets, which are already congested
- Increased volume of traffic
- Havannah Street is notorious for its traffic problems particularly during school and work hours. Extra traffic will have a detrimental effect on the narrow section of the street.

5 neighbouring industrial/commercial occupiers, whilst not objecting offer the following comments :

- Noisy industrial environment for future residents of the proposed dwellings 24 hours a day, 365 days a year

- Potential adverse impact upon neighbouring businesses through complaints being made by future residents
- Need for 2m boundary between proposed garden areas and neighbouring commercial premises
- There is approximately 15 to 20 tons of asbestos on the site from an old building which was demolished in the central area of the site. None of the asbestos has ever been removed from the site.

APPLICANT'S SUPPORTING INFORMATION:

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

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Noise Report
- Flood Risk Assessment

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

OFFICER APPRAISAL

Principle of Development

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

Paragraph 49 advises that;

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

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

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

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

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

Notwithstanding this requirement, this scheme is located within the Settlement Boundary, within a mixed areas of residential and employment land uses close to a range of local amenities and is considered to be locationally sustainable. Accordingly, there is an in principle presumption in favour of the development in accordance with paragraph 49 of the NPPF.

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

Loss of employment use of the site

Paragraph 17 of the NPPF Core Planning Principles states that the planning system should:

‘Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

Paragraph 22 advises that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

Paragraph 51 goes on:

‘Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.’

Policy E10 of the Local Plan states :

“Proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses account will be taken of:

- 1. The location of the site or premises and the physical nature of any building*
- 2. The adequacy of supply of suitable employment sites and premises in the area*
- 3. Whether reasonable attempts have been made to let or sell the premises for employment uses*

In considering whether there would be a substantial planning benefit from an alternative use account will be taken of:

- a) Any benefits in terms of traffic generation, noise or disturbance to amenity*
- b) The impact the proposal would have on the environment and economy of the local area*
- d) The need for the proposal and its potential contribution to the local area*
- e) The requirements of other relevant policies of the local plan*

The units on the site have been vacant for over 14 years. Anecdotal evidence from the Selling Agent (Timothy A Brown) suggests that approximately 5-10 people were employed when the various business users last operated from the premises in the past.

The Site was marketed from 2000 – 2008 by Timothy A Brown on the basis of continued commercial/industrial use, with little interest being expressed from the market.

The Site was acquired in 2008/9 by Jephson Housing to develop 22 units for Affordable Housing. Jephson Housing received a resolution to grant planning permission subject to S106 Agreement. However, they did not proceed and the Site has remained on the market for a range of uses subject to Planning Permission being granted since 2009. Plus Dane Housing Group is currently bidding for Grant Funding to develop the site and is optimistic of securing funds in the New Year.

It is therefore considered that *reasonable attempts have been made to let or sell the premises for employment uses*. The lack of interest in the premises, indicates that they are unlikely to be physically suitable for modern employment use and that there is likely to be an *adequate supply of suitable employment sites and premises in the area*. *The proposed affordable housing, and increase in housing land supply also represent a substantial planning benefit.*

Given the history of this site, together with the general thrust of the NPPF concerning the re-use of brownfield sites, it is considered that the loss of the employment use of the site is acceptable in principle, and has already been accepted by virtue of the previous resolution to approve.

Impact on character and appearance of the area

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance, that Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment.

Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed blocks are 2 storeys in height and sit at a lower level than the commercial neighbours on Havannah Street. They comprise brick facings and gable roof forms. The block of flats have an area of private amenity space to their frontage. 20 car parking spaces are arranged throughout the site, with 8 no spaces sited at the site entrance, where the site is at street level. With distance into the site the levels slope away further towards the River. The buildings, being located immediately adjoining the rear of the commercial premises on Havannah Street are in a backland setting that is shrouded by existing buildings on Havannah Street.

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

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

The River Dane runs through the site to the southern boundary. A 1.8 m high fence is proposed to be installed to the bank of the river for the safety of proposed residents.

A buffer of 5 -10m is proposed between the development and the adjacent River Dane. The Council's Ecologist advises that this is adequate to safeguard the wildlife corridor.

Subject to conditions, therefore the integrity of the Wildlife Corridor can be adequately maintained

Amenity

The residential development site is located in an area of "mixed use development". The south western boundary is adjacent to commercial premises and the north western boundary is the River Dane beyond which lies Eaton Bank Industrial Estate and Daneside Business Park. Although there are residential properties further along the same street, there are no adjacent dwellings, which could be affected by the proposed development.

The proposed development will front the River Dane, with rear elevations containing bedrooms, kitchens and amenity areas adjacent to the commercial units adjacent to Havannah Street commercial premises, particularly the Bottled Gas facility immediately to the front of the middle block. The Noise report submitted in support of this application considered the site at appropriate times of the day and night, including when the adjacent bottled gas facility was receiving deliveries at 6 am in the morning.

A Noise Impact Assessment has been submitted with the application. The Environmental Health Officer has considered the report and confirmed that no noise complaints have been received concerning commercial/ industrial noise from existing noise sensitive premises on Havannah Street. Following a review of the applicants submitted acoustic report and suggested mitigation in the form of acoustic attenuation, the Environmental Health Officer considers that the noise environment for future residents will be satisfactory.

In this regard the concerns expressed by neighbouring commercial occupiers about their future noise complaints by future residents can be satisfactorily addressed by noise attenuation so that the noise environment on this site is not considered to be likely to materially affect the future amenity of residents to impact upon the functions of commercial neighbours.

The proposed dwellings are sited on the footprint of the existing industrial premises on site. The rear gardens abut a circa 3m high retaining wall beyond which are adjoining commercial premises, at a higher land level on Havannah Street. Each house has a kitchen/diner at ground floor and a bedroom at 1st floor. The outdoor amenity space for the dwellings is approximately half the adopted standard of 65 sq m within the adopted SPD within the Plan, although there is sufficient space for clothes drying, bin storage and a small amount of sitting out space within individual plots.

Given the orientation of the rear gardens and the tall retaining wall which dominates the rear aspect, these areas are not likely to receive significant amounts of daylight or sunlight for most of the year. Whilst this is not ideal, on balance, given that the size of rear amenity spaces proposed are in keeping with the existing terraced housing in the area and the availability of amenity via the river setting of the site, the substandard provision is considered acceptable in this case.

Affordable Housing

The Applicant, Plus Dane, are a Registered Provider. This site has been put forward as a replacement for the Tall Ash Farm scheme which the Applicant is not presently perusing.

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need of 290 spread over the 5 years (2013/14 – 2017/18) covered by the SHMA. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to the information taken from the SHMA, on the Cheshire Homechoice waiting list, there are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton. These applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

Under Welfare Reform Act, Housing Benefit will not be paid on unoccupied bedrooms and will bring an increased demand for smaller properties. There are already a large number of applicants for 1 and 2 bed properties in Congleton and the welfare reform changes will increase the pressure on this kind of accommodation with applicants looking to downsize.

Whilst the SHMA shows an oversupply of 2 bed accommodation it is the current view of the Housing Manager that based on the Cheshire Homechoice evidence and the recent welfare

reform changes there is a greater need for new affordable 1 and 2 bed properties which have yet to filter through the evidence base.

Highways

The Strategic Highways Manager has considered this proposal within the context of the scheme that was resolved to be approved in 2008 and advises that there are significant differences between the two schemes in both Manual for Streets terms and the ability for the internal layouts to operate in a safe and convenient manner. The previously accepted layout does therefore not set a precedent for the current proposed layout arrangements.

Access

Access to the site is proposed from the existing access with Havannah Street.

No detailed and quantified assessment is provided of speeds or visibility available at the site access. The Strategic Highways Manager would generally expect consideration of such matters in the Transport Statement but such data is not provided.

There are no recorded safety issues along the frontage. However the site has been vacant for 14 years and it has had no traffic generation in this time and one would not expect accidents at this junction. This point is not considered by the Applicants Transport Statement. More information is required by the Strategic Highways Manager (SHM) in this regard.

However, despite some reservations about the information submitted the SHM accepts that the proposed site access is suitable for the intended use and that net traffic generation beyond that for the lawful industrial uses would be minimal.

Site Layout

The internal layout does not comply with Manual for Streets principles. The layout appears to indicate a single footway into the site which reduces to a width well below adoptable standards before finishing at parking alongside the carriageway. Beyond this point it seems to be intended that the road continues as a shared surface.

No commentary has been provided regarding refuse collection or deliveries at the site. However, it appears that refuse lorries will be expected to enter site given the siting of a refuse store adjacent to plots 10/11. The Highways Manager requires tracking data to be provided in this instance particularly as parking is indicated in the area which it appears will be used as a turning head. No such data has been provided.

Parking is distant from individual plots rather than within their curtilage. Whilst, this could be overcome, the provision of 8 no spaces directly by the site access on Havannah Street is particularly remote from the plots they will be serving.

Where footways do not exist within the development there is no indication that service strips are to be provided.

The SHM does not consider the proposed layout to be adoptable at any future date as it has not been designed to adoptable standards. There is also concern about the potential for conflict between pedestrians and vehicles within the site.

Parking

Current parking standards require one space per dwelling for one-bedroomed dwellings in a sustainable location such as this. Two spaces per dwelling are required for two-bedroomed dwellings. Standards would therefore dictate provision of 26 car parking spaces.

20 spaces are proposed and these are located away from dwellings with 8 of those space alongside the access road some distance from the dwelling they serve. Any displacement of parking from this site would be problematic in the area, and parking problems in the area have been raised by residents and local businesses alike.

There is a shortfall of 6 spaces and whilst this is a highly sustainable location, there is no cycle parking facilities proposed within the layout. Whilst a condition could be imposed to require cycle parking facilities, it would require the potential loss of further parking spaces.

However, the Strategic Highways Manager advises that legibility and the lack of pedestrian facility and service margins within the proposal is of real concern.

It is accepted that the previous scheme of flats represents a realistic fall back position. However, there are significant differences between the two schemes and the Highways Manager considers that the current proposal is likely to lead to conflict and will lead to 'severe' problems in terms of conflicts within the site.

The NPPF advises that only severe highways impacts should warrant refusal of permission.

This scheme would need to be significantly revised to address the concerns expressed. The Applicant may revise the scheme to address the concerns, which may lead to a layout that is accepted by the Strategic Highways Manager, in which case an update report will be prepared.

At the time of writing, the layout is considered to be unacceptable in safety and congestion terms. This is a reason to refuse the application.

Drainage and Flooding

The Environment Agency and United Utilities have been consulted on the proposals. Whilst Untied Utilities have no objection to the proposal, the Environment Agency have objected on basis of the inadequacy of the information submitted with regard to flood risk.

Additional information has been submitted to address this concern and this has been forwarded to the Environment Agency. Further comments were awaited at the time of report preparation and these will be the subject of an update report.

Greenspaces

The Council's Greenspaces Officer has been consulted on the proposal and raised no objections subject to a private residents management company being established to maintain the on-site open spaces and a commuted sum of £16,773.01 towards off-site provision and maintenance of children's play space. This could be secured through a Section 106 Agreement.

Community Infrastructure Levy (CIL) Regulations

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

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

For the purposes of any appeal the following Heads of terms would apply

Children and Young Persons Provision commuted sum payment of:

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

And the formation of a Management Company for the future management of the areas of open space within the site

For the purposes of any appeal, the commuted sum in lieu of childrens play and recreation provision is necessary, fair and reasonable, as the proposed development would provide 9 family sized dwellings, the occupiers of which will use local facilities as there is no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

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

Conclusion

This site is within the existing urban area and is considered to be highly sustainable. The site has been vacant for 14 years and is unattractive in the environment. The re-use of brownfield land is supported in the NPPF and this would contribute to a well known housing need in Congleton.

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

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

Or

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

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

The proposal is considered to be acceptable in terms of its impact upon residential amenity of existing and future residents and subject to appropriate noise measures the residential use of the site in such close proximity to commercial premises can exist without impacting upon the commercial activities of those adjacent.

A suitable Section 106 package could be achieved which is considered to be compliant with Section 112 of the CIL Regulations to enable the proposed development to provide adequate public open space and recreational facilities as a direct consequence of the development in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents and the need for a management company to manage the on site open space.

However, the poor road layout and the potential hazards associated with it are considered to weigh heavily against this proposal in its current form and , in terms of the planning balance, this is considered to significantly and demonstrably outweigh the benefits of the scheme in terms of the provision of additional housing and the re-use of Brownfield land in a sustainable location.

RECOMMENDATION

Refuse for the following reason:

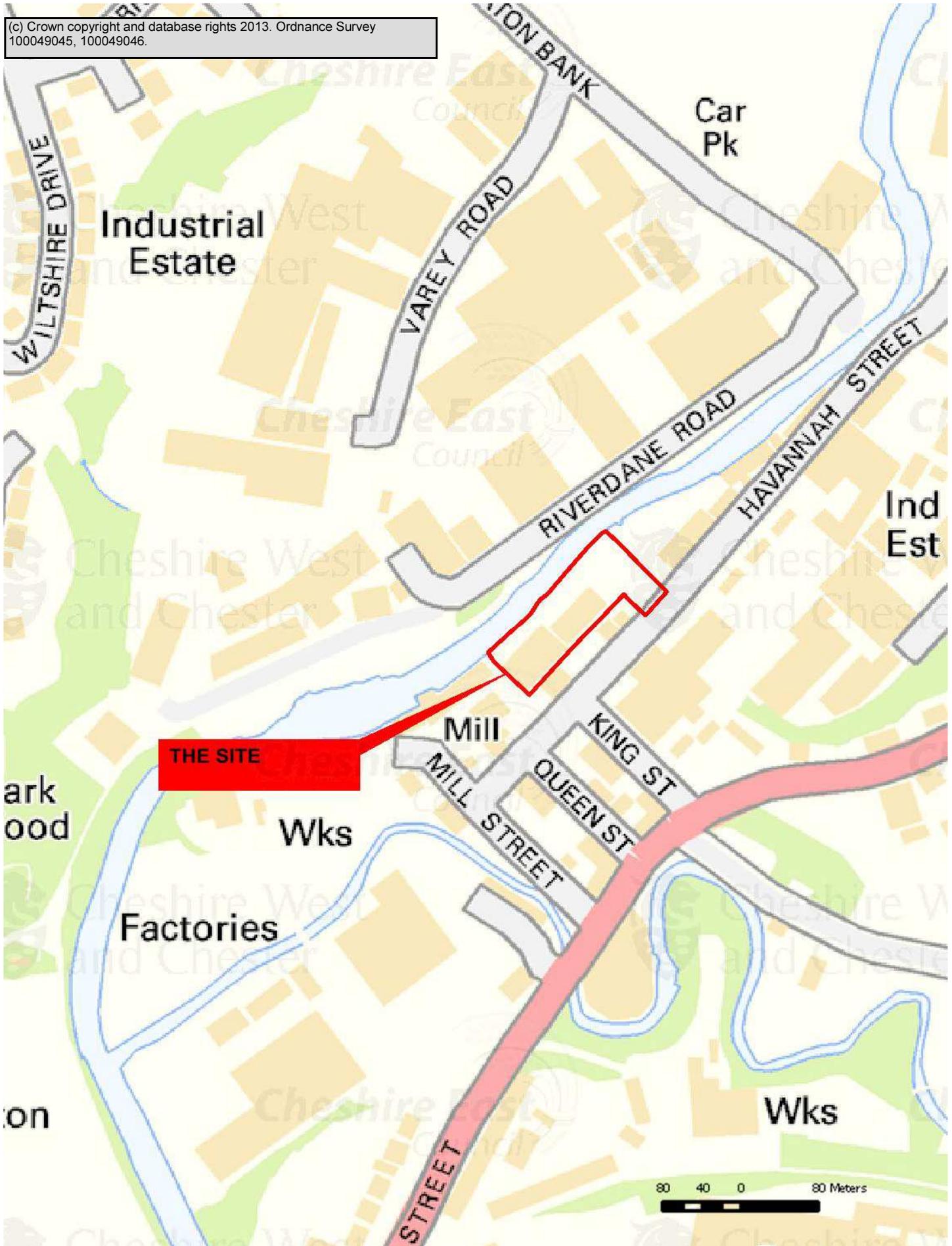
The proposal, by virtue of its internal layout , lack of sufficient parking provision and the lack of information concerning access junction geometry and visibility and the tracking of service vehicles within the site would lead to dangerous and conflicting movements between pedestrians and vehicles within the site and on Havannah Street which would be severely detrimental to the safety of pedestrians and result in the parking congestion in the surrounding streets by virtue of increased parking. As such the proposal is contrary to Policy GR9 of the Congleton Borough Local Plan First Review and Paragraph 32 of the NPPF

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 Southern Area Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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Application No: 13/4382N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET,
CREWE, CW1 2NU

Proposal: 100% Affordable Housing Development comprising 60no. one and two
bed flats, 47no. two and three bed semi detached and mews houses and
ancillary works.

Applicant: Renew Land Developments Ltd

Expiry Date: 17-Jan-2014

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Education
Design and the Built Environment
Amenity
Contaminated Land
Noise
Air Quality
Drainage/Flood Risk
Highways
Pedestrian and Cycle Provision
Open Space
Trees and Landscaping
Ecology

REFERRAL

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

1. SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures

approximately 1.52 hectares being roughly rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is a former school premises but is currently vacant and has recently been demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

2. DETAILS OF PROPOSAL

Members may recall at their meeting on 21st August 2013, the Southern Planning Committee resolved to grant outline planning permission for residential development on this site subject to completion of a Section 106 Agreement. At present that Agreement remains unsigned and therefore planning consent has yet to be issued.

The application seeks full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. This is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing.

3. RELEVANT PLANNING HISTORY

13/2322N (2013) Outline planning consent for residential development – resolution to approve subject to Section 106 Agreement

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

Housing Policies

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

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

Transport Policies

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTEES

Environmental Health

No objection subject to the following conditions:

- All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of piling method statement
- construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- Submission, approval and implementation of details of any lighting prior to installation
- The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
- Implementation of submitted Travel Plan
- Implementation of submitted dust control measures
- The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
- Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.

United Utilities

- No comments received at the time of report preparation

Greenspaces

- No comments received at the time of report preparation

Highways

- This a new submission on the site for 107 residential units, outline permission has previously been granted on the same site for 90 units. There is a single priority junction access to the site, this is the same provided in the previous application for 90 units, although there are now some units accessed independently from Ludford Street.
- Key Issues
 - The increase in traffic resulting from the additional units.

- Car parking provision.
- Access using Ludford Street.
- The increase in the number of units by 17 units represents only a minor impact in traffic generation and as there are no identified capacity problems locally to the site, there are no issues raised on the further units on the site.
- The split of residential units proposed on the site is 50 one bed units, 10 two bed apartments, 36 two bed houses and 11 three bed houses. When car parking standards that are now minimum standards are applied to the number of units proposed, there is a shortfall of 30 spaces over the site. Clearly, the reason for moving to minimum standards was to try and address the problem of on-street parking on residential streets that not only affect traffic flow but block private driveways. This shortfall of parking is a substantial issue with this application.
- Although, I would have preferred not to have any access taken from Ludford Street, the six units that are proposed do have 2 car parking spaces per unit and this minimises the likelihood of on-street parking occurring.
- In summary, the main concern regarding this application is the distinct lack of car parking spaces within the development that will lead to on-street parking on limited width internal access roads. Therefore, I am raising objections to the application on grounds of insufficient parking.

Environment Agency

- No comments received at the time of report preparation

Education

- A contribution of £108,463 will be required.

Rights of Way

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026:-
- The proposed pedestrian and cyclist access from the proposed 'Access Road 1' within the development to Newdigate Street will help to improve access for these user groups between the town centre and the Leighton Greenway.

5. VIEWS OF THE PARISH / TOWN COUNCIL

- The Town Council objects to the application on the grounds of over-development. There is an increase in the number of homes agreed previously and there are too many apartment blocks in relation to the provision of family housing.

6. OTHER REPRESENTATIONS

Cllr Flude

- The railings that surround the site are in good condition. They are art deco in style they enhance the area and are in keeping with, the railings across road ,Badger Avenue, surrounding the cemetery.
- I am requesting that the committee consider that the railing that have been part of the old school site since 1932 should be retained as the a boundary to the proposed new housing development.

7. APPLICANT'S SUPPORTING INFORMATION:

- Design and Access Statement
- Transport Statement
- Travel Plan
- Arboriculture Report
- Bat Survey
- Flood Risk Assessment
- Foul Drainage Strategy
- Geo-Environmental Assessment
- Noise Impact Assessment
- Dust Management Scheme

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 107 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

Furthermore, the acceptability in principle of residential development on this site has already been established through the previous resolution to grant outline planning permission for this site. Therefore, this application does not present an opportunity to revisit that issue.

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

providing the supply of housing required to meet the needs of present and future generations.

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

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

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

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

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

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Strategic Housing Market Assessment Update 2013 shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2 bed older persons units. (There is an oversupply of 2 bed units).

There are currently 1725 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 600 x 1 beds, 684 x 2 beds, 351 x 3 beds, 61 x 4 beds, 3 x 5 beds and 1 x 5+ bed (25 applicants haven't specified how many bedrooms they need). Therefore there is clearly a high level of affordable housing need in Crewe.

This application is for 107 affordable rented dwellings made up of:

- 50 x 1 bed flats
- 10 x 2 bed flats
- 36 x 2 bed houses
- 11 x 3 bed flats

The Interim Planning Statement: Affordable Housing states that the affordable dwellings should be pepper-potted and fully integrated with the market dwellings on the site. This is obviously not possible as the site is for 100% affordable rented units. However, in order to create the 'mixed and balanced' communities that the IPS requires housing officers recommend that Wulvern Housing develop a local lettings policy to address this issue.

The IPS also requires that affordable dwellings are built in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3. It is understood that Wulvern Housing will be utilising grant funding from the Homes & Communities Agency for the affordable rented dwellings and it will be a condition of the funding that these criteria are met.

The developer should be required to transfer all the affordable rented dwellings to a Registered Provider of Affordable Housing before they can be occupied.

Housing Officers would also want to ensure that the occupation criteria in line with the local connection requirements of the Homechoice Common Allocations policy.

This can all be achieved through a suitably worded affordable housing condition.

Education

The Education Officer has examined the application and confirmed that the local primary schools are forecast to be cumulatively oversubscribed and on this basis then a contribution of £108,463 will be required towards primary school education.

Landscaping

The site has been cleared of buildings however trees and some areas of soft landscaping have been retained around the boundaries and there are trees off site which overhang the boundaries. Lengths of boundary dwarf wall and railings have also been retained on the Badger Avenue and Ludford Street frontages.

The submission is supported by a Planting plan and Schedule ref LUD 1310 dated October 2013 and plans illustrating external works.

It appears that the development would result in virtually all of the existing vegetation on the boundaries of Badger Avenue and Ludford Street. The above planting plan provides only 2 new trees and a small area of shrub planting in these areas. The Landscape Officer has examined the proposals and considers that this is inadequate and that the scheme could be enhanced by additional planting. She also considers that the soft landscape proposals for the remainder of the site could be improved.

Whilst the layout retains most of the existing boundary wall and railings, sections would be lost on Ludford Street to accommodate access to 6 units. (The elevation plans for Ludford Street appear to be mis-representative in this respect). The layout in this part of the site might be improved to reflect the character the adjoining terraced properties with terraced dwellings on plots 1 – 6, set back and retaining the boundary wall and railings. The road frontage parking should be removed from this area. Walls could be substituted for fences as follows :

- Side of plots 71 and 107
- East of garden to plot 72
- Northern boundaries of garden to 66 &100
- Northern garden boundaries to 6,7 &8

These issues have been brought to the attention of the developer and a response was awaited at the time of report preparation. A further update will be provided to members in due course.

Tree Issues

As stated above, although the site itself has been cleared, there are trees off site which overhang the boundaries. A tree survey has been submitted with the application, which was under consideration by the Landscape Officer at the time of report preparation and a further update will be provided to Members prior to their meeting.

Design and the Built Environment

The submitted layout involves the siting of a large apartment block at the junction of Badger Avenue and Ludford Street, with further apartment blocks facing on to Badger Avenue and 3 pairs of semi detached houses to the Ludford Street side, which will create an active frontage to both streets, particularly given that both these frontages include windows and doors opening onto the street. Inside the site, a mixture of mews and semi-detached are shown fronting onto the proposed access road running, in a north to south direction through the middle of the site, from the proposed access from Badger Avenue as well as a secondary vehicular route looping round the western side of the site.

Parking for the proposed apartments, would be in parking courts to the rear thus avoiding a car dominated frontage to Badger Avenue. Parking for the houses would be to the front and sides and whilst this is acceptable within the site, as detailed above, there is some concern about the impact of this on the character of the Street scene in Ludford, which is characterised by traditional terraced properties.

The site layout would largely respect the existing building lines on both Badger Avenue and Ludford Street, although, the frontage parking results in some of the plots on Ludford Street, being uncharacteristically set back. It is also considered that semi-detached properties are out of keeping with the traditional terraced character of Ludford Street, and it is considered that the scheme could be improved by swapping these semi-detached dwellings, with some of the mews properties within the site. This has been brought to the attention of the developer and a response was awaited at the time of report publication.

Elsewhere on the Ludford Street and Badger Avenue frontages small front gardens and areas of landscaping areas are proposed between the building and the highway boundary which will create elements of “defensible space” in front of the dwellings. Within the site, sufficient landscaping has been provided to the fronts of properties to break up parking and avoid car-dominated frontages, within the exception of the parking courts to the rear of the apartment buildings. However, this is considered to be an acceptable in order to allow the main road frontages to be kept clear of parked vehicles. This is all considered to be positive in urban design terms.

The surrounding development comprises predominantly traditional, two storey terraced properties, of brick and tile construction. The proposed dwellings are also a traditional pitched roof design finished in brick with contrasting window cills and lintels, which along with half-timbered gable features add interest to the elevations. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity.

The large apartment building is three stories, but its location at the junction of the two roads, creates a focal point in this prominent location which is considered to be a positive feature.

Furthermore, there is an existing modern three storey apartment block on the opposite corner, and therefore, it will not appear out of place within its context.

The two proposed apartment buildings immediately alongside to the west on the Badger Avenue frontage are three stories in height, but given that Badger Avenue is a wide principal route through this part of the town and in view of the open space in the form of the cemetery on the opposite side of the road, it is considered that buildings of this scale can be accommodated on the site without creating an appearance of overdevelopment. The two apartment buildings at the western end of the Badger Avenue frontage, step down to 2 storeys in height, where they adjoin existing 2 storey development. Similarly, the semi-detached dwellings on the Ludford Street frontage, adjoining the existing terraced dwellings are also two storeys in height.

The apartment building immediately to the west of the access road features a “catslide” roof to the eastern side, resulting in the overall height sloping down to 2 stories on the corner of the access road and Badger Avenue. It is considered that the scheme would be improved if this building were handed and swapped with the apartment block alongside so that roof-scape sloped down to the adjoining two storey block and stepped up to the corner to create a “gate-post” feature at the entrance to the development. The developer has also been asked to consider this suggestion.

Details of bin and cycle stores have been provided. These are detached brick built buildings, with hipped roofs which will be located in the car park areas to the proposed apartment blocks. A condition can be imposed to ensure that these are implemented.

The proposed materials are slate grey concrete roof tiles, which are considered to be appropriate, and combination of red and buff facing bricks. Buff bricks are not considered to be in keeping with the traditional character of this part of Crewe and therefore the developer has been asked to put forward an alternative red brick. Smooth red bricks are proposed as a feature brick, which is acceptable. However, it is considered that these could be complemented with a blue feature brick, which is typical of the traditional Victorian terraces in the vicinity. This can also be secured by condition.

Overall, subject to the amendments, referred to above, it is considered that the indicative plans show that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Amenity

The submitted layout also demonstrates that an adequate standard of amenity can be maintained for the occupants of adjoining properties.

The gable elevation of the proposed dwelling at the southern end of the Ludford Street frontage will adjoin the gables of the neighbouring dwelling (110 Ludford Street) which contains only secondary windows, and will not project beyond its existing front and rear elevations. Therefore no amenity issues are raised in respect of this property.

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and therefore, no overshadowing issues are raised. A distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. The gable elevation of the proposed flats at the western end of the Badger Avenue would face towards the principal windows in the side elevation of the adjacent accommodation known as Cyprus Court. However, the two elevations would not be directly opposing and distances in excess of the recommended minimum distance of 13m will be maintained between them.

The front elevation of the proposed building will be sited between 19m and 22m from the front elevations of the existing apartments on the opposite corner of Ludford Street. Similarly, the separation distance between the semi-detached houses fronting Ludford Street and the existing apartments would vary between 15m and 21m. Whilst, the proposal will not comply with the recommended standard, it is accepted that separation distances between the front elevations of properties in traditional, tightly knit, terraced streets such as Ludford Street, are lower than those which would be expected in modern suburban housing estates and the separation distances in this case would be equivalent to that between the existing properties on opposite sides of those streets. If the frontage parking is eliminated as advocated above, this would reduce the separation distance to a consistent 15m. However, tightly defined streets and spaces are a distinctive local characteristic of this area of Crewe and the proposed amendments would help the scheme to respect that character.

There are no existing dwellings on Badger Avenue, opposite the site, due to the presence of the cemetery.

The majority of the proposed dwellings shown on the southern boundary of the site will overlook the existing school playing fields and therefore do not raise any amenity concerns. The only adjoining dwelling on the southern boundary is no 109 Newdigate Street, the gable end of which adjoins the site. However, the submitted layout shows a blank gable adjacent to the boundary with this dwelling and therefore, the required minimum separation distances can be achieved.

Turning to the standard of amenity within the site, the indicative layout demonstrates that the required minimum separation distances can be achieved between the majority of the plots within the site with the exception of between plots:

- 67 / 68 and 007 / 008
- 071 and 072 / 073
- 107 and 077/078
- 079 and 080 / 082
- 012 and 072

However, Government advice indicates that local planning authorities should have regard to the need to make effective and efficient use of land in the consideration of planning applications, and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. This would in turn increase pressure to develop further Greenfield sites in order to meet the Borough's housing land supply requirements. Furthermore, modern urban design principles based on Manual for Streets, encourage the tightly defined streets and spaces. It must also

be considered that the fronts of properties are susceptible to overlooking from the public realm in any event and therefore separation is not as critical as it would be to the rear.

The requirement minimum garden area of 50sqm could be achieved in all cases.

Very limited separation of between 1m and 5m is provided between the 2 no. 2 storey apartment blocks at the western end of the Badger Avenue frontage, although, both of these elevations are blank. A similarly narrow gap of between 2 and 3m is proposed between these blocks and the side elevation adjacent 3 storey block, which contains windows. As these will face a blank gable, no overlooking issues are raised. These are all either secondary living room windows or serve galley kitchen areas and therefore it is not considered that any loss of light would be sufficient to sustain a refusal. Between the 2 no. 2 storey blocks on the frontage, a gap of between 3 and 6m will be achieved. In this case both elevations contain secondary living room windows and kitchen windows. Although loss of light is not considered to be an issue, there is potential for overlooking, and it is therefore commended that a condition is imposed requiring these to be fitted with obscured glazing.

Therefore, it is considered that the submitted layout demonstrates that the proposal can provide for an adequate standard of amenity and it is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Contaminated Land

The application was formerly a school, and as such there is the potential for areas of localised contamination to be present. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The applicant has submitted a contaminated land report in support of the planning application. Environmental Health have considered the report and are satisfied with its conclusions. Therefore they have no objection to the scheme on contaminated land grounds subject to a conditions stating that the development shall not be occupied until the remedial/protection measures included in the approved report have been fully implemented and completed and a Site Completion Statement detailing the remedial/protective measures incorporated into the development has been submitted to and approved by the Local Planning Authority.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by noise from road traffic noise, adjacent school and care home. Environmental Health have examined the report and endorsed it's conclusions. Therefore, there is no objection to the scheme on noise grounds subject to conditions requiring the mitigation recommended in report number 90291r0 to be implemented prior to the use of the development / first occupation.

Air Quality

An air quality assessment was submitted with the previous outline application which indicated that there would be small increases in the area surrounding the proposed development. There are 2 Air Quality Management Areas nearby in Crewe and it is possible that there could be some very small impacts in these locations although they were not considered in this assessment. Given the small increases in pollutant concentrations it is considered that some low impact mitigation should be included with planning approval to safeguard future air quality against cumulative impacts of subsequent planning proposal impacts.

Therefore Environmental Health Officers previously recommended that any approval by subject to the conditions requiring a travel plan to be submitted, approved and implemented.

This has been included with this revised application and Environmental Health Officers are satisfied with the proposed measures and they have raised no objection subject to a condition stating that the submitted Travel Plans be implemented for all occupants with the aim of promoting alternative / low carbon transport. The agreed plan shall be implemented and enforced throughout the use, reviewed every 5 years and a report provided to the LPA annually on achievements against the agreed targets.

There are also potential impacts from construction dust and a dust management plan has been submitted with the planning application. Environmental Health are satisfied that this will mitigate against any potential impact and have therefore recommended a condition requiring that the construction phase be implemented in accordance with this approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of that phase.

Drainage/Flood Risk

Whilst comments are awaited from United Utilities, and the Environment Agency both authorities raised no objection to the previous application subject to appropriate conditions and it is therefore considered that the proposal complies with the relevant local plan policies with respect to flood risk and drainage.

Highways

A single point of access to serve the majority of the site is proposed from Badger Avenue, midway along the frontage. This element of the proposal is similar to the previous application, which was considered by the Strategic Highways Manager who concluded that that adequate visibility splays can be achieved.

As detailed above a number of driveways are proposed with access directly off Ludford Street, which did not form part of the outline proposal. The outline consent was for circa 84, whereas this proposal is for 107. Therefore there are traffic generation implications.

The Strategic Highways Manager has examined the proposal and confirmed that the proposal does not raise any traffic generation implications. Whilst he would have preferred not to have any access taken from Ludford Street, the six units that are proposed do have 2 car parking spaces per unit and this minimises the likelihood of on-street parking occurring. However, he is concerned that there is inadequate parking provision within the site which

could result in on-street parking to the detriment of highway safety. This has been brought to the attention of the developer and a further update on these matters will be provided to Members prior to their meeting.

Pedestrian and Cycle Provision

The Council's Rights of Way Officer and Sustrans have indicated that they would like to see a pedestrian and cycle link created through the site to Newdigate Street. Previously there was considerable local objection to this proposal.

It is normally considered to be desirable and good practice to provide and improve pedestrian and cycle connectivity through development sites to encourage the use of sustainable modes of travel by providing more direct routes to destinations such as the town centre. However, in this case, there are good quality alternative cycle and pedestrian links to the town centre. Given the small size of the site, it is not considered that the failure to provide a through-route would result in residents of the site being discouraged from walking or cycling to the town centre as a result of the need to travel out via the Badger Avenue access and around the site via Ludford Street and Meredith Street.

However, Members previously shared the view of Sustrans and the Rights of Way Officer, and imposed a condition requiring the provision of the link. This has been included within this application in accordance with Members previously expressed wishes.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling.

According to the design and access statement the proposal is for 107 dwellings, which would equate to an open space requirement of 1604 sqm of shared open space and 2140 sqm making a total of 3745sqm. No public open space is shown on the indicative site layout and it would not be possible to provide this level of POS whilst accommodating the number of dwellings proposed.

Although no comments have been received from the Council's Greenspaces Officer, he did comment in respect of the previous proposal that in this case he would be willing to accept a financial contribution for off-site provision; specifically, a sum of £30,000 for improving the existing children's play area and footpath off Cranborne road, off Middlewich Street, Crewe. Taking into account the increase in the number of units to 107, the P.O.S. contribution would thus increase to £36,896.

On this basis, it is considered that the scheme would comply with the requirements of Policy RT3.

Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

In this case the Council's Ecologist was consulted on the previous application and commented that at the time the building subject to this application is now in the process of being demolished.

Whilst evidence of bat activity had been recorded previously further bat surveys were undertaken which indicated that bats were simply flying around the building and that there was no evidence that the building currently supported a roost. Therefore roosting bats did not present a constraint on the proposed development. As the demolition work has now been completed and the site has been cleared, no further issues are raised

If planning consent is granted, however, he recommended that conditions be attached to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development. It is considered that these conditions should also be applied to the current proposal.

Viability and Section 106 Matters

The developer has submitted a viability appraisal, undertaken by consultants Grasscroft, of the scheme, which indicates that it is not possible develop a 100% affordable housing scheme and to provide the greenspace and education contributions outlined above.

Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

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

The Council has appointed independent consultants to independently scrutinise the viability appraisal that has been submitted. The consultant's report was awaited at the time of going to print, and a further update will be provided to Members prior to their meeting.

8. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide c.107 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal is also 100% affordable housing, which is also much needed within Crewe and the Borough as a whole.

Environmental Health matters of noise, air quality and contaminated land can be addressed through appropriate conditions. Subject to the receipt of amendments as detailed in this report, it is considered that a good design which respects the character and appearance of the area in which it is located will be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design. The proposal includes the provision of a pedestrian and cycle link from the site to Newdigate Street, as conditioned by Members on the previous outline consent.

Subject to appropriate Section 106 contributions, open space and education requirements can be addressed in respect of this development. However, the NPPF makes it clear that viability is an important material consideration. A viability appraisal has been submitted which, subject to the outcome of the independent scrutiny, demonstrates that this 100% affordable scheme could not provide a policy compliant Section 106 package.

Concerns have been raised in respect of parking, design and landscaping and amended plans have been requested. Also a number of consultation responses are also outstanding in respect of Education, Trees, and drainage. However, subject to these amendments being received and consultees raising no objections, and the requested amendments being submitted, the proposal is considered to be acceptable and in compliance with the relevant local plan policies.

9. RECOMMENDATION

APPROVE subject to:

- **Receipt of amended plans**
- **No objection from Highways, Education, Trees, Greenspaces, United Utilities and Environment Agency**
- **Confirmation by independent consultants that the viability appraisal is acceptable**

And the following conditions:

- 1. Standard time limit**
- 2. Standard Outline**
- 3. Approved plans**
- 4. Construction of Access**

5. Provision of parking
6. Implementation of Materials – No approval for buff bricks
7. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
8. Submission, approval and implementation of piling method statement
9. construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
10. Submission, approval and implementation of details of any lighting prior to installation
11. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
12. Implementation of submitted Travel Plan
13. Implementation of submitted dust control measures
14. The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.
15. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.
16. Detailed breeding bird survey for works in nesting season
17. Features for use by breeding birds and bats
18. Implementation of boundary treatment
19. Implementation of drainage scheme
20. Implementation of cycle parking within scheme
21. Implementation of landscaping

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Application No: 13/4073N

Location: Westminster Street Park in Crewe., Westminster Street, Crewe

Proposal: Installation of a control kiosk, pressure relief column, Hardstanding, Landscaping and drop kerb operational access required in connection with a flood relief scheme at Westminster Park, Crewe. Resubmission of 13/2937N

Applicant: United Utilities

Expiry Date: 17-Dec-2013

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of development
- Impact on trees/landscape character of the park
- Impact on the amenity of neighbouring houses
- Archaeology
- Ecology

REASON FOR REFERRAL

The application is being referred to Southern Planning Committee as it has been called-in by Councillor Hogben due to public concern about the potential loss of trees and impact on the open space.

DESCRIPTION OF SITE AND CONTEXT

The site is Westminster Park which is a vibrant and popular public open space in Crewe. It is surrounded by four grid iron streets of larger terraced houses that both frame and face onto the park. . A demarcated and equipped playground is located in the south east corner of the park with a nursery building occupying an area to the north. Further to the north and west is the open space area. The site is formally protected as open space. Service access is predominantly gained from Furnival Street to the south. The boundaries are generally vegetated and tree lined and secured by a metal railing fence. The site edged red, the application site, is specifically in the west of the park with a slither denoted from north to south for the works proposed.

DETAILS OF PROPOSAL

This United Utilities scheme forms part of a major programme of work to provide the appropriate facilities for the treatment of wastewater to the required standard. Eight residential

properties on Nantwich Road suffer from repeated foul flooding that ultimately results in local sewage flows backing-up through cellar connections causing cellar flooding. An underground sewage tank is proposed to store flows during storm events and prevent flooding. An electric control panel associated with the tank will be housed within a kiosk. The kiosk would be coloured Holly Green and measure 3.0 metres x 0.75 metres x 1.85 metres (high). A pressure relief column is proposed that would be 6.0 metres high and 0.15 metres wide. Access is proposed primarily from Furnival Street utilising the existing access. The works programme would last for 12 months before completion. This application is an amended resubmission as a result of concerns regarding of an initial scheme (13/2937N) that was withdrawn in October 2013.

RELEVANT HISTORY

13/2937N – Installation of a control kiosk, pressure relief column etc – Withdrawn 16th October 2013.

POLICIES

Local Plan Policy

- BE.1 (Amenity)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.16 (Development and Archaeology)
- RT.1 (Protection of Open Spaces with Recreational or Amenity Value)
- RT.2 (Equipped Childrens Playspace)
- CF.3 (Retention of Community Facilities)

National Policy

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways Officer – No objections

VIEWS OF THE TOWN COUNCIL

No objection but would wish to see control boxes protected by railings to prevent inadvertent access and vandalism.

OTHER REPRESENTATIONS

One letter of concern has been submitted regarding security on the site; the road safety of children attending the nursery; and the impact on car parking in Nelson Street.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement
Tree Survey
Archaeological Desk Based Assessment
Habitat Report
Geotechnical Report

OFFICER APPRAISAL

Principle of development

Policy RT.1 states that development will not be permitted where it would result in the loss of open space which has a recreational or amenity value. Exceptions can be made where it can be demonstrated that there is an excess of open space in the catchment area, where the development is ancillary to the main use and does not affect the quantity or quality, the proposal affects land incapable of forming a playing pitch, where provision is made elsewhere or the proposal would provide a recreational facility which would outweigh the loss. The proposals would not result in the loss of open space. There would be a temporary loss of space to accommodate the compound during the construction period, but this would be reinstated on completion.

Policy RT.2 states that proposals which result in the loss of equipped children's playspace which serve a local need will not be permitted. The proposed development would be sited on an existing playground which only has three items of equipment at present. The proposals would not result in the loss of play equipment.

CF.3 states 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 proposals would not result in the loss of a community facility.

Impact on trees/landscape character of the Park

The site is located within the open space and therefore consideration has to be given to whether the proposed development is appropriately design and sited so as to not result in unacceptable harm on the character and appearance of the park. The park is very open in character and is part of the fabric of the area. As the actual above ground development is minimal, effectively the kiosk and the relief column, it is therefore considered that the proposals would not result in a detrimental intrusion into the park. It is accepted that there may be inconvenience of lack of access to certain areas of the park during the construction period but this is a reasonable necessity of this important flood relief project. Once construction is complete the park will return to its full useable space. The alternative scheme considered prior to the proposals for Westminster Park would cause more harm as it would involve large scale lengthy closures of Nantwich Road that would be unfeasible.

Surfacing materials for the path and parking area would ensure limited encroachment into the open countryside.

The scheme as submitted shows that there would be a requirement for the removal of two trees along the boundary of the site close to the access on Furnival Street. The initial application (13/29737N) was withdrawn as it proposed a more considerable loss of a group of trees along the boundary of Furnival and Westminster Street. This was unacceptable. Thus, the applicants have significantly amended the proposals in the present submission to overcome concerns in respect of trees. It is considered that the loss of the two trees is acceptable given their proximity to the access and that the main group are now being retained. The trees removed would be a Silver Birch (Grade B) and a Holly (Grade C). Some pruning of other trees may be required to accommodate the construction compound but replacement planting (with 5 new trees) is proposed in mitigation. The appropriate tree protection measures and method statements would be attached as conditions to any approval.

Impact on the amenity of neighbouring houses

The park is bound by residential properties to all sides. The amended application proposals should not overly impact on the amenity of the residents that surround the site. It is accepted there would be some period of inconvenience in respect of the temporary loss of space in the park whilst the compound serves the 12 month construction period. The main access point during construction would be from Nile Street but this is temporary. Once complete the access would be from Furnival Street; vehicular access would only be required on an extremely occasional basis for routine maintenance and monitoring activity.

Archaeology

The proposals would result in the demolition and removal of a Second World War Air raid Shelter. The Archaeology Unit have confirmed this is acceptable subject to the appropriate conditions regarding a programme of recording and reporting so that a permanent record remains.

Ecology

The application has been accompanied by a habitat survey report that states that nesting bird habitat is present on the periphery of the park throughout the trees. Any works should therefore be undertaken outside of the nesting bird season. The comments of the Councils Ecologist will be reported in the update to Committee.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would be sited within the settlement boundary and is acceptable. It is considered that there would be no significant harm caused on the visual or residential amenities of neighbouring properties. The proposal is therefore in compliance with BE.1 (Amenity), BE.2 (Design Standards), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.16 (Development and Archaeology), RT.1 (Protection of Open Spaces with Recreational or Amenity Value), RT.2 (Equipped Childrens Playspace), and CF.3 (Retention of Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION – Approve subject to the following conditions

1. Standard time limit
2. Approved Plans
3. Tree Protection
4. Landscape Method Statement
5. Archaeology

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Application No: 13/4192C

Location: 2, BEDFORD GROVE, ALSAGER, ST7 2SR

Proposal: Retrospective change of use of open space land to domestic curtilage land, erection of 2m high boundary fence

Applicant: Mr Christian Preece

Expiry Date: 10-Dec-2013

SUMMARY RECOMMENDATION

Approve; subject to conditions

MAIN ISSUES

Principle of development
Character of the area
Residential Amenity
Highway implications

REASON FOR REFERRAL

This application has been called-in to planning committee by Cllr Hough for assessment of the Southern Planning Committee due to the "intrusion of domestic curtilage into public open space and implications for other open spaces in Alsager".

DESCRIPTION OF SITE AND CONTEXT

The application site is located within a residential street of Alsager.

The application site is comprised of a detached dwelling and an area of amenity space which lies between No.2 and the highway adjacent to the corner of Bedford Grove and Pikemere Road.

DETAILS OF PROPOSAL

This application seeks retrospective planning permission for the enclosure of land to the side of the property with a 2 metre timber boarded fence.

RELEVANT HISTORY

13/2966C Retrospective change of use of general amenity land to domestic curtilage land, erection of 2m high boundary fencing
Application invalid

POLICIES

Local Plan Policy

PS4 Towns
GR1 New Development
GR2 Design
GR4&GR5 Landscaping
GR6 Amenity and Health

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

CEC Assets Department: Land in question is not in CEC ownership

Highways: Cannot support the application; however do not identify any harm as result of the development

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council: Object to the application. Express serious concerns that the application is retrospective, and works have been completed. Town Councillors have received complaints regarding 'land grabbing' & whether this would lead to any precedent in the future.

OTHER REPRESENTATIONS

19 letters of representation objecting to the development have been received to date. A summary of the objections is provided below. Objections have been received from the following neighbours; Pikemere Road; 9 (x3), 10, 39 (x2), 41 (x2), 42, 45 (x2), 47 & 55, Queensway; 3, 4, 6 & 12a.

- Taking of land
- Precedent that would be set should the application be approved for other plots of land in Alsager
- Council has maintained the land, therefore it should be in their ownership
- Adverse impact upon the future generations of Alsager
- If the Council do not own the land, then how can planning permission be approved?
- The rest of the land could be taken in the future
- Why does the Council maintain the land?

- Fence is out-of-keeping with the character of the area
- Fence is visually intrusive
- The area of open space should be for the community in Alsager
- Inaccuracies in the Planning Statement
- Impact of fence on newly planted trees within the site area
- Request that Cheshire East register the land
- Leads to a loss of green space in the community
- The fence impedes the access to a neighbours hedge
- The area of land cannot now be used by local residents
- The applicant will receive financial gain from the enclosure of the land
- Impact upon tree on the land

An additional letter was also provided by a neighbour containing Land Registry documents. The letter states that the land is owned by Cheshire East. Comments received from our Assets department state that the land is not in the Council's ownership. Either way, the land ownership issue is not a material consideration in determining the application.

APPLICANT'S SUPPORTING INFORMATION

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

OFFICER APPRAISAL

Principle of Development

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

Character of the Area

The area around Bedford Grove, is comprised of a number of streets that are accessed off Pikemere Road. The layout of the properties along Pikemere Road create a feeling of openness, with the boundary treatments of properties being set back from the road, with grassed areas being provided between the road and pavement areas. There are buffers of open grassed amenity land where the properties side onto Pikemere Road. The spaces serve to soften the impact of the built development and allow for open views and aspects from within the residential estate.

The site is comprised of an irregular shaped parcel of open grassed and planted amenity land situated between the side elevation of No.2 Bedford Grove and Pikemere Road and is linear to Pikemere Road. The site is relatively prominent within the context of the street scene and therefore the associated fencing is clearly visible in the locality. The fencing is comprised of timber and gravel board and is approximately 2m in height.

The fence ties in with the low boundary wall to the front elevation on 2 Bedford Grove and dog-legs outwards into the area of amenity space. The change in use of the land results in

some domestication of the site with the addition of the boundary fence, however an area of open space spanning over 2m is retained between the boundary of No.2 and the footpath. A further grass verge remains between the footpath and Pikemere Road. It is therefore considered that the open space between the property and road would be retained sufficient in order to prevent an adverse impact upon the character of the area.

Although not quite as wide, there is an existing area of amenity space / large verge and adjacent boundary fence on the opposite side of the junction, which is similar to the retained area.

The application is considered to comply with Local Plan policies GR1, GR2, GR4 and GR5. The policies seek to ensure that development conserve or enhance environmental quality and are sympathetic to the surrounding area and landscape.

Residential Amenity

The site enjoys sufficient separation with neighbouring buildings and therefore the residential amenity afforded to neighbouring residents would not be materially harmed.

The proposal would comply with policy GR6 within the Local Plan.

Highways

The Strategic Highways Manager has viewed the proposal and confirms that the land is not held under the ownership of highways.

The loss of the land will alter the operation of the junction of Bedford Grove with Pikemere Road would impact upon visibility from the junction, however the Strategic Highways Manager does not think that the application renders the junction unsafe.

Whilst highways do not support the application, they have also not raised grounds for refusing the application on the grounds of highway safety. A condition can be attached to the decision notice removing permitted development rights from the land to include the erection of buildings and fences in order to protect visibility from the junction. It should be noted that the fencing does not alter the visibility splay.

Other Issues Raised by Representation

Concerns have been expressed regarding the maintenance of the land and the fact that other parcels of land may be incorporated into garden areas in the future. These are not matters which are material to the determination of this application.

Concerns have also been raised regarding the land being within the ownership of Cheshire East Council. The Council's Assets department have confirmed with Land Registry that the land is not owned by CEC and is currently 'unregistered'.

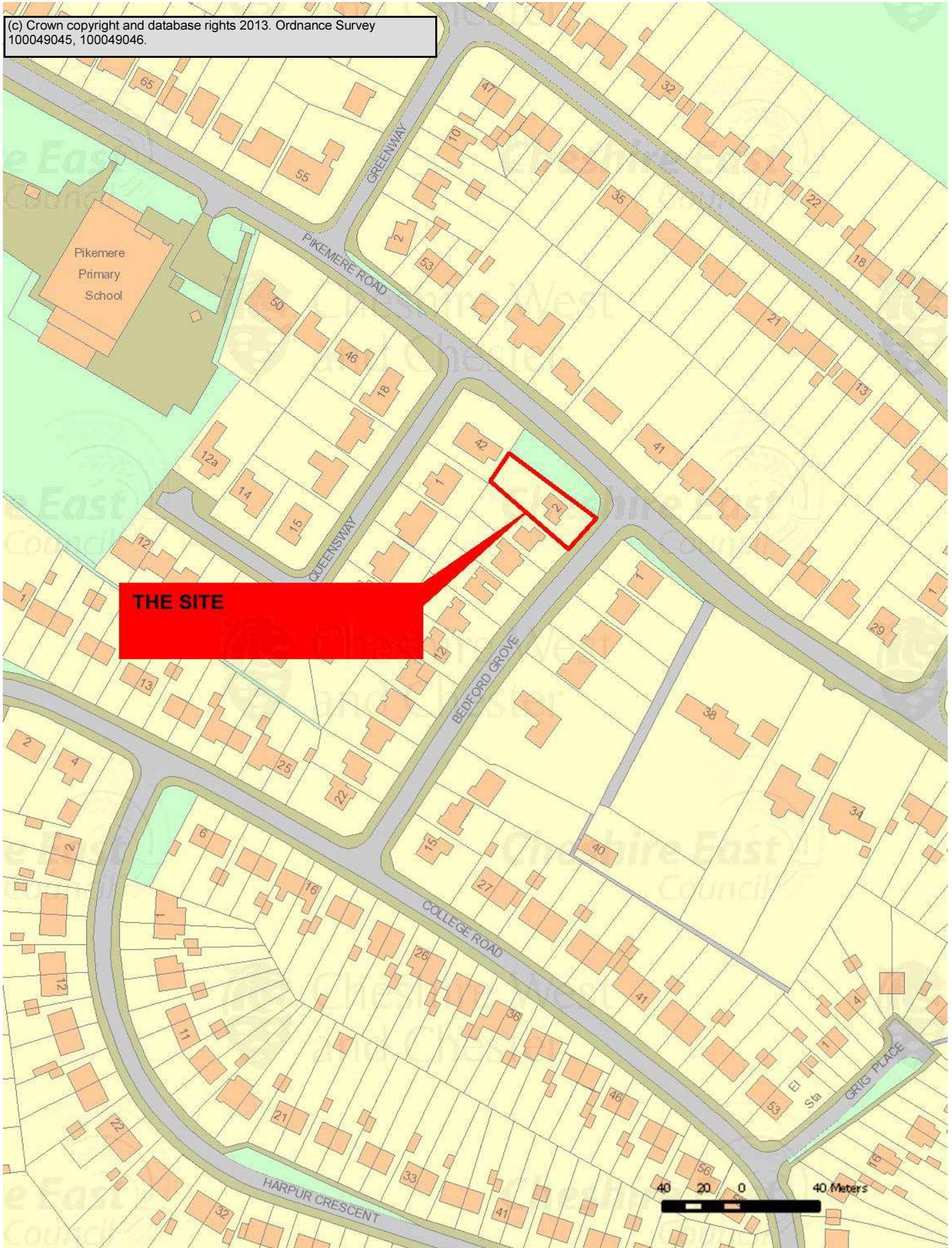
CONCLUSIONS AND REASON(S) FOR THE DECISION

The visual impact of the proposal is considered to be acceptable. The enclosure does not result in an adverse impact upon the amenities of neighbouring residents or result in significant harm to highway safety. The proposal would comply with all relevant policies within the Local Plan, and as such a recommendation for approval is made.

Approve subject to following conditions:-

- 1) In accordance with approved plans**
- 2) PD rights (Part 1 Class E and Part 2 Class A) removed from the remainder of the site**
- 3) No landscaping / planting to the remainder of the site**

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Application No: 13/4194N

Location: 'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire, CW11 4RP

Proposal: Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works

Applicant: Mr Michael & Neil Ghosh

Expiry Date: 07-Jan-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of development
- Impact upon the Locally Listed Building
- Impact upon amenity
- Impact of the design
- Impact on trees
- Impact on protected species and sites of nature conservation
- Impact upon highway safety
- Public Open Space
- Education.

REASON FOR REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The application site is 0.26 hectares in size and is surrounded by residential properties to the west, south and east with open fields beyond the settlement boundary of Winterley to the north.

The site comprises of a detached, two-storey, locally listed dwelling called 'The Limes' which is currently derelict and has been left unused for a number of years. The proposed site is largely square in nature.

DETAILS OF PROPOSAL

It is proposed to renovate the central locally listed building and erect 4 semi-detached dwellings to the rear of the site and 2 linked-detached units, adjacent to (south) and forward of the locally listed building.

A new access onto Crewe Road is sought to the north which would extend along the side of the locally listed building and extend around to the rear. The existing access to the site would be used by the 2 linked-detached units.

RELEVANT HISTORY

- P08/0384** - Conversion of Existing House to Four Apartments and Erection of Ten Dwellings – Refused 3rd June 2008
- P07/1198** - Twelve Dwellings – Refused 20th November 2007
- P04/0572** - Certificate of Lawfulness - use of dwelling house and curtilage for residential purposes – Positive Certificate Issued 7th July 2004
- 7/10182** - Swimming pool – Approved 14th July 1983

POLICIES

Local Plan Policy

- BE.1 - Amenity
- BE.2 - Design Standards
- BE.3 - Access and Parking
- BE.4 - Drainage, Utilities and Resources
- BE.5 - Infrastructure
- BE.6 - Development on Potentially Contaminated Land
- BE.13 - Buildings of Local Interest
- RES.2 - Unallocated Housing Sites
- RES.3 - Housing Densities
- RES.4 - Housing in Villages within Settlement Boundaries
- RES.7 - Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4
- NE.5 - Nature Conservation and Habitats)
- NE.9 (Protected Species)

Other Considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Strategic Highways Manager

- No objections to the new access and the level of parking proposed.
- Advises that the applicant will need to enter into an agreement under Section 278 of the Highways Act for the creation of the new access and widening of the frontage.

Environmental Protection

- No objections, subject to conditions relating to hours of piling and the prior submission of a piling method statement.
- In addition informatives relating to hours of operation, lighting and contaminated land are sought.

United Utilities

No objections, subject to a number of informatives including;

- that the site should be drained on a separate system,
- that surface water should be discharged to the soakaway/watercourse/surface water sewer,
- if the water is discharged into the public sewer, the flow may be attenuated to a maximum discharge rate, each unit should have a separate metered supply.

VIEWS OF THE PARISH COUNCIL

Haslington Parish Council has no objections, but has concerns about the requirement of an additional access, the potential for further development to the rear, the lack of bin storage information and refuse lorry access information. Concerns have also been raised in relation to some garden space falling outside of the settlement boundary.

OTHER REPRESENTATIONS

7 (330, 334, 411, 419, 429 Crewe Road, 22 Fishermans, 17 The Brambles) letters of objection have been received in relation to the proposed development. The main areas of concern are;

- Amenity – Overlooking
- Design – Concerns about the re-development of the existing house
- Precedent for further development to the rear
- Insufficient local amenities – Schools, doctors
- The impact upon trees
- Too many dwellings in Cheshire East
- Highway safety – New access, traffic volume, impact upon traffic calming measures, pedestrian safety
- Impact upon nature conservations – Wildlife and trees
- The way the new access road stops at a field suggesting further development

1 letter of support has been received (421 Crewe Road)

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Bat Report
Great Crested Newt Appraisal
Tree survey

Tree Removal Plan
Topographical Survey

OFFICER APPRAISAL

Principle of development

Policy RES.4 of the Local Plan advises that *'Within the settlement boundaries of the following villages [Including Winterley] defined on the proposals map, the development of land or re-use of buildings for housing on a scale commensurate with the character of that village will be permitted, (In accordance with Policies BE.1 – BE.5).'*

As the development proposal falls almost entirely within the settlement boundary for Winterley and refers to the erection of new housing, the principle of the development is partially in accordance with the Local Plan.

Although the garden plots for the dwellings proposed on plots 9 and 10 would fall outside of the settlement boundary, within the Open Countryside, as this land is already used as garden space for the application property, it is not considered that the continuing use of this space as a garden would have any greater impact upon the Open Countryside than the existing situation, as no change of use is involved. On this basis, the proposal is considered to be acceptable in principle.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The neighbouring properties that would be closest to the proposed new dwellings would be the occupiers of 429 Crewe Road to the north, 421 Crewe Road to the South and No.332 and 334 Crewe Road on the opposite side of the road.

The closest of the proposals to No.429 Crewe Road would be the locally listed building which is/will be approximately 20 metres to the southwest. As this building is already in situ, it is not considered that the occupiers of No.421 Crewe Road would be impacted in terms of loss of light or visual intrusion.

With regards to loss of privacy, within the existing relevant side elevation of the Locally Listed Building that would lie parallel to the side boundary of this neighbour's rear garden are a number of openings over 3 floors. The proposed development would maximise the use of these existing openings. The only differences being at ground-floor level where it is proposed to convert a door to a window, remove another window, and inset a new window into a proposed rear outrigger. Given that these changes to openings would be at ground-floor level only, 20 metres from the side elevation of this neighbouring dwelling and offset, it is not considered that the renovation of the locally listed building would create any privacy issues to this side.

The only other development within close proximity of this neighbouring dwelling would be the new units proposed to the rear of the site. (Houses 9 and 10.) These units would be approximately 25 metres to the west of this neighbour's rear elevation. As a result of this large separation distance, it is not considered that this development would have a detrimental impact upon the amenities of the occupiers of this neighbouring unit.

House 1, proposed to the south of the development site would be positioned parallel to the side elevation of No.421 Crewe Road. There would be a gap of approximately 3.5 metres between the elevations if constructed.

On the relevant side elevation of House 1 (a two-storey dwelling), 2 ground floor windows are proposed. Both of these windows would serve as secondary windows to a lounge which would also benefit from a set of patio doors to the rear. On the relevant side elevation of No.421 Crewe Road (a bungalow), there are no openings, although there is a conservatory to the rear. As the conservatory is open in nature and single-storey, subject to sufficient boundary treatment being secured by condition to this side, it is not considered that this closest dwelling would create any loss of privacy to the occupiers of No.421 Crewe Road.

In addition to the above, as the closest aspect of House 1 would not extend significantly beyond the rear building lines of this neighbouring property, there are no impacted principal windows on its side elevation and the proposed dwelling would be to the north, it is not considered that the occupiers of this neighbouring property would be impacted in terms of loss of light or visual intrusion.

The properties on the opposite side of Crewe Road would be over 35 metres away from the closest of the proposed dwellings. As such, it is not considered that the occupiers of these neighbours would be impacted with regards to loss of privacy, light or visual intrusion.

In terms of the relationships between the proposed developments themselves, these all meet the recommended separation standards detailed within paragraph 3.9 of the Development on Backland and Gardens Supplementary Planning document.

The level of private amenity space provided would comfortably meet the recommended 50 square metre minimum standard.

Environmental Protection have advised that they would have no objections to the proposed development subject to the addition of conditions relating to; hours of piling and the prior submission of a piling method statement, restrictions relating to hours of construction and a contaminated land informative are also recommended.

As a result of the above reasons, subject to the above conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The proposed housetypes are as follows:

- House Types A (plots 8 and 10) – Semi-detached unit, 4.5 metres in width, 8 metres in depth, dual pitched roof approximately 8 metres tall.
- House Types B (plots 7 and 9) – Semi detached unit, 5.2 metres in width, 8.4 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type C (plot 1) – Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8 metres tall.
- House Type D (plot 2) - Link detached unit, L-shaped, 8.6 metres in width, 12.7 metres in depth, dual pitched roof approximately 8.4 metres tall.

Within the wider vicinity of the development site to the north is a detached two-storey dwelling, a detached Methodist church and then a further 2 detached, two-storey dwellings. To the south is a detached bungalow then a series of two-storey, semi-detached dwellings. These dwelling's consist of a mixture of roof styles from dual-pitched, hipped and cat-slide.

Given that the majority of the dwellings are two-storey and either detached or semi-detached, it is considered that the form of the proposed dwellings would be acceptable.

With regards to the proposed dwelling's scale, the footprints of the units would not appear incongruous due to the mixture of footprints in the area. In terms of height, the new dwellings proposed would range from between 8 and 8.4 metres. The central locally listed building that the development would revolve around measures approximately 9.7 metres in height.

There is no record of the height of the adjacent property to the north, No.429 Crewe Road. However, this property is two-storey's in nature but with a relatively low overall height as the first-floor occupies much of the space within the dual-pitched roof. The adjacent property to the south, No. 421 Crewe Road is a bungalow.

As such, the proposed dwellings would be taller than those on the adjacent plots but lower in height than the locally listed building in the centre. As such, with regard to the streetscene, there would be stepped increase in height from each side of the site ensuring that the scheme would not appear incongruous. On balance, therefore, the proposed development from a height perspective is considered to be acceptable.

In terms of the materials proposed in the construction of the dwellings, it is advised within the application that the materials shall be submitted to the approval of the Local Planning Authority. This can be secured by condition.

In summary, for the reasons set out above, subject to a materials condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Buildings of Local Interest

The locally listed description of this dwelling is as follows;

'A fine detached Victoria Villa, constructed in 1871 of brick. Has white painted detailing and bay windows flanking its central open door portico. Built for Baptist Church adjacent. Good example of 19th century domestic architecture. Contributes positively to the frontage of Crewe Road.

Group value to Primitive Methodist Church adjacent.'

As it is proposed to renovate a Building of Local Interest on site, the application is subject to Policy BE.13 of the Local Plan.

Policy BE.13 advises that:

'Buildings or structures included in the non-statutory list of buildings and structures of local architectural or historic interest will be protected from inappropriate development proposals affecting the reason for their inclusion in the list; unless it can be clearly demonstrated that there are reasons for development which outweigh the need to safeguard the building or structure.'

The proposed external changes to the locally listed building are as follows:

- Southern side elevation – Convert a single, first floor window to a bay window
- Northern side elevation – Convert a ground floor door to a window & split-up an elongated ground floor window to 2 windows.
- Rear elevation – Insert a roof light, erect a single-storey rear extension

The Council's Heritage Officer has advised that the proposed changes sought to the locally listed building largely reflect those sought for planning application P08/0384.

In response to this submission, the applicant was advised that the small first-floor bay window on the side elevation of the dwelling and the larger ground-floor bay should be retained as part of the conversion. It was originally proposed that these openings be removed. The applicant has subsequently amended the proposed elevations to re-introduce these exiting features as requested.

Although the Council's Heritage Officer has some concerns regarding the impact the additional dwellings proposed would have on the setting of the locally listed building, she is satisfied with the scheme in general terms now the design changes sought to the side elevation of the dwelling have been made.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.13 of the Local Plan.

Trees

The application is supported by a Tree Survey by Creative Landscape, and a Tree Removals Plan supplied by the architects.

The Council's Forestry Officer has advised that the majority of the trees identified for removal in order to facilitate development (some of which are protected by Tree Preservation Orders),

present either a very poor social proximity to existing buildings/structure or are considered to be structurally unsound.

It is advised that structural break-up would be inevitable should some of the trees be retained. As such, removal and replacement planting is considered to be a net long term gain.

The Forestry Officer concludes that subject to the addition of conditions relating to tree protection and tree pruning/felling specification, she would have no objections.

As such, subject to these conditions, it is considered that the proposal would adhere with Policy NR1 of the Local Plan.

Ecology

The application was originally supported by a bat report and a great crested newt appraisal. Additional information regarding the impacts upon bats was submitted during the application process.

In terms of Great Crested Newts, the Council's Nature Conservation Officer has advised that this species is not reasonably likely to be present or affected by the proposed development.

In relation to bats, bat activity was noted in the form of a relatively minor roost of a widespread species within the existing house which is scheduled for conversion. There was no evidence to suggest a significant maternity roost is present.

As the building utilised by bats is scheduled for conversion and not demolition, the potential impacts on bats relate more to disturbance and modification of the existing roost. The Council's Nature Conservation Officer has advised that:

'The submitted mitigation method statement makes recommendations as to the timing of the works to reduce the risk of bats being disturbed and recommends the installation of features to allow bats to have access to the converted property.'

It is advised that should planning consent be granted, the proposed mitigation/compensation is considered to be acceptable and is likely to maintain the favourable conservation status of the species concerned. This shall be conditioned accordingly.

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

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

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

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The existing dwelling is in a poor state of repair and it has been advised that it would not be financially viable to retain alone without the offset of associated residential development. As such providing bat mitigation measures, such as bat boxes on nearby trees and the provision of a temporary bat roost during site works would provide a suitable habitat for the bats.

Alternatives

There is an alternative scenario that needs to be assessed, which is that of no development on the site.

The existing building on site is no longer suitable for residential use as it is in a poor state of repair. As such it is likely that it would fall into disrepair further and eventually collapse, which would result in the total loss of the habitat for bats.

Favourable conservation status

In line with guidance in Circular 6/2005, appropriate mitigation should be secured if planning permission is granted. The proposed replacement habitat will provide adequate provision for the bats.

The proposed changes would have no additional ecological impact subject to the addition of the proposed bat mitigation measures. As such, subject to these conditions, the development would adhere with Policy NE.9 of the Local Plan.

Access and Parking

The proposed development would involve the creation of a new access off the western side of Crewe Road, Winterley. This would lead to a new road which would be used to access the 4 flats proposed within the locally listed building and 4 dwellings. The existing to the site would be utilised to access 2 dwellings. The submitted plan shows 200% parking provision for the 6 new dwellings proposed and 1 space for each of the 4, 2-bedroomed apartments.

The Council's Strategic Highway's Manager has advised that:

'The two accesses will be sited on a section of Crewe Road which has in effect been narrowed by buildouts. Visibility is satisfactory and as there are a number of existing accesses on this section of Crewe Road I have no objection to creation of an additional two. Proposed parking provision is acceptable.'

As such, it is considered that the development would adhere with Policy BE.3 of the Local Plan.

Affordable Housing

The applicant proposes that all of the proposed 4, 2-bedroomed apartments within the locally listed building would be used as affordable housing.

The Council's Housing Officer has advised that there is a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 in the Haslington and Englesea sub-area within which Winterley falls. Cheshire Homechoice has 126 active applicants who selected Haslington as their first choice.

As the proposal is for 4no. 2 bed apartments to be provided as social rented accommodation, it is deemed to be acceptable that more than 30% affordable housing is provided.

Subject to this provision being secured via condition, it is considered that the affordable housing provision would adhere with the requirements of the Interim Affordable Housing Statement.

Education

No comments had been received from the education officer at the time of report preparation. However, a further update will be provided to Members prior to their meeting.

Public Open Space

The proposal falls below the threshold of 20 dwellings, which under Policy RT3 of the local plan triggers the requirement for the on-site provision of public open space. However, the policy does state on small residential development likely to be occupied by less than 50 people, contributions will be required towards the provision of children's play equipment and recreational open space, in an easily accessible location and where it would directly benefit the occupiers of the development. Elsewhere within the Policy RT3, easily accessible is considered to be within 400m. However, given that there are no existing public open spaces within Winterley, it is not considered that there would be suitable opportunities for a commuted sum payment to be spent and therefore a contribution is not considered to be reasonable in this instance and would not meet the requirement of the CIL Regulations to be "directly related to the development".

CONCLUSIONS

In conclusion, the proposal is predominantly located within the settlement boundary for Winterley. The only element which lies within open countryside is the garden areas, which is already in use as established domestic curtilage and so consequently no change of use of this area would occur. The proposal is therefore considered to be acceptable in principle.

The proposed changes to the disused, locally listed building would be done in a sympathetic manner that would not compromise its listing. The proposed 6 new dwellings would also be of an acceptable design that would respect the local character of the area.

The scheme would not create any significant issues in terms of neighbouring amenity, trees, protected species or highway safety and sufficient affordable housing shall be provided. As such the proposed development would adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; 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), BE.13 (Buildings of Local Interest), RES.2 (Unallocated Housing Sites), RES.3 (Housing Densities), RES.4 (Housing in Villages within Settlement Boundaries), RES.7 (Affordable Housing within The Settlement Boundaries of Nantwich and the Villages Listed in Policy RES.4), NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species). The proposal would also accord with the NPPF.

RECOMMENDATION

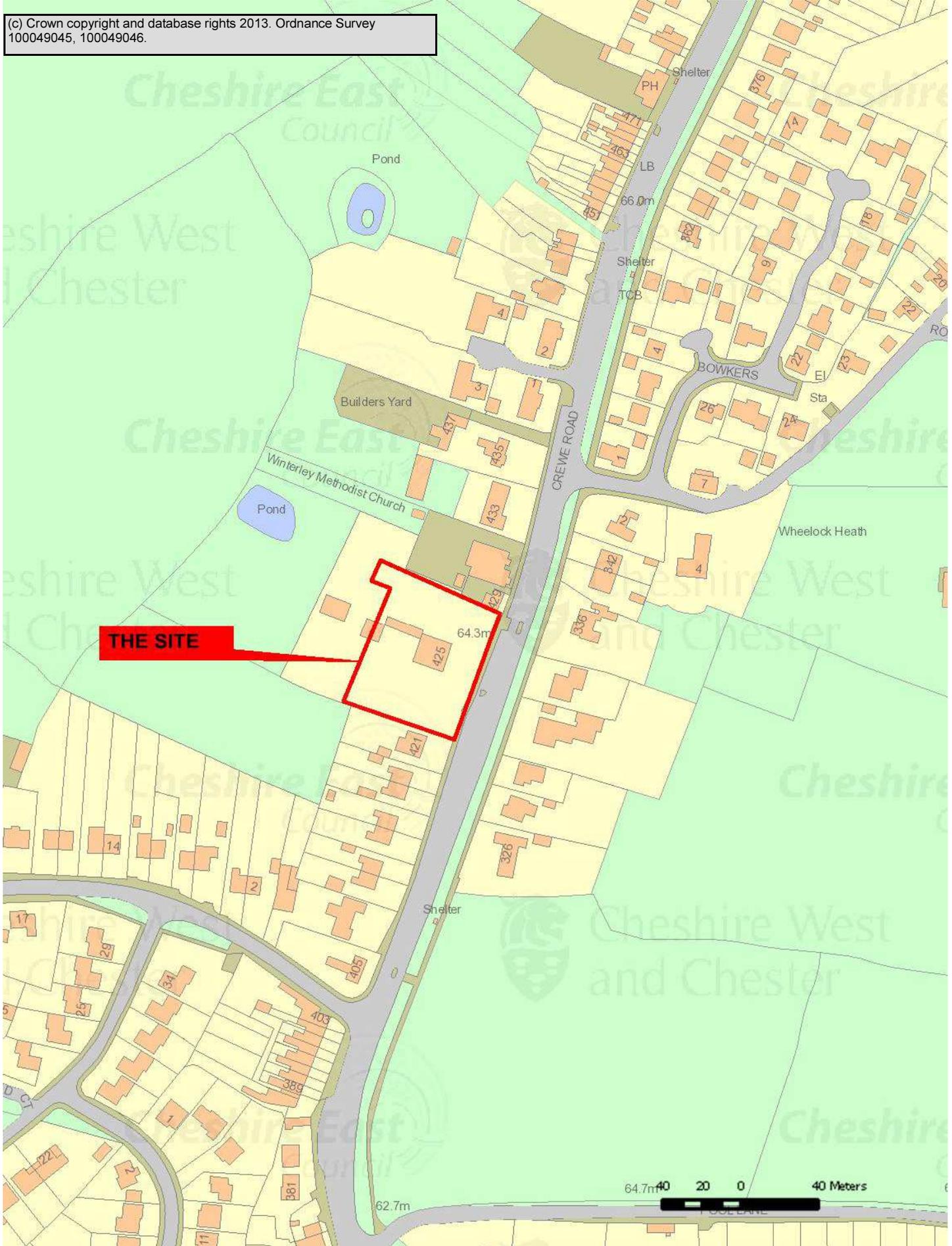
APPROVE subject to the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission of facing and roofing details**
- 4. Prior submission of hard or soft surfacing materials**
- 5. Hours of construction**
- 6. Hours of piling**
- 7. Prior submission of a piling method statement**
- 8. Prior submission of lighting details**
- 9. 30% Affordable Housing requirement**
- 10. Tree protection**
- 11. Tree pruning specification**
- 12. Landscaping – Details**
- 13. Landscaping – Implementation**
- 14. Boundary Treatment**
- 15. Bat mitigation - Implementation**
- 16. Prior submission of drainage**
- 17. Prior submission of bin storage details**
- 18. PD removal A-E of Locally Listed Building**
- 19. PD removal for retention of garage spaces on plots 1 & 2**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager 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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Application No: 13/4266C

Location: Land Adjacent to Sandyacre, 51 Main Road, Goostrey, Crewe, CW4 8LH

Proposal: Constuction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C)

Applicant: Mrs A Rose

Expiry Date: 02-Dec-2013

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

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

REASON FOR REPORT

This is a resubmission of application 12/4318C which was refused permission by Committee on housing supply grounds earlier in the year and represents a departure from normal policy.

DESCRIPTION OF SITE AND CONTEXT

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

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

DETAILS OF PROPOSAL

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

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

RELEVANT HISTORY

12/4318C - Construction of 3 new houses adjacent to Sandyacre – refused 6 January 2013. Currently under appeal.

POLICIES

Congleton Borough Local Plan First Review 2005 Policy

GR 1 – New Development

GR 2 – Design

GR 4 – Landscaping

GR 6 – Amenity and Health

GR 9 - Accessibility, Servicing, and Parking Provision

NR1- Trees and Woodland

NR 3 – Habitats

PS 5 - Settlements in the Open Countryside and Green Belt

PS 10 – Jodrell Bank Radio Telescope Consultation Zone

Interim Planning Statement: Affordable Housing

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environmental Health

No objection with the following recommended conditions:

- Hours of constructional operation:

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

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

United Utilities

No objections

Highways

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

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

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

There are no highway objections raised to the application.

University of Manchester (Jodrell Bank)

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

VIEWS OF THE PARISH / TOWN COUNCIL

Goostrey Parish Council objects on the following grounds:

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

OTHER REPRESENTATIONS

No comments from neighbours have been received upon this resubmitted application.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Planning Statement
Sustainability Statement
Tree Survey

OFFICER APPRAISAL

Principal of Development

The site lies in the Open Countryside, as designated in the Congleton Borough Local Plan 2005 First Review, where policy PS.8 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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 concerns.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

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

Housing Land Supply

The National Planning Policy Framework (NPPF) states at paragraph 47 that 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. 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.

However the most up to date position on the Councils 5-year housing land supply figure is following the recent appeal decisions. As part of the consideration of the Congleton Road and Sandbach Road North decisions, the Inspector found that the housing land supply over 5 years is 5750 dwellings. It is necessary to add to this figure the existing backlog 1750 dwellings and a 20% buffer for a record of persistent under delivery which gives a total requirement of 9000 dwellings over 5 years or 1800 per annum.

In terms of the existing supply the Inspector found that there is currently:

*‘a demonstrable supply, taking the generous approach to Council estimates, which is likely to be in the region of 7000 to 7500 dwellings at most’
(Sandbach Road North Appeal)*

This demonstrable supply therefore equates to a figure of 4.0 to 4.2 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:

- n 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*
- n specific policies in the Framework indicate development should be restricted.”*

As it has been found that Cheshire East cannot demonstrate a five year supply of housing land, the provisions of paragraphs 49 and 14 apply in this case. It is therefore necessary to carry out a balancing exercise in this case to assess whether the harm ‘significantly and demonstrably’ outweighs its benefits.

Emerging Policy

Clarification has been given on the weight which can be attributed to the emerging Local Plan as part of recent appeal decisions for Abbeyfields, Sandbach and Congleton Road, Sandbach and Sandbach Road North, Alsager. As part of the decision for the Abbeyfields site the SoS stated that:

‘As the emerging LP is still at an early stage the Secretary of State accords it limited weight in his decision making’

As part of the appeal decision for Congleton Road, Sandbach and Sandbach Road North, Alsager the Inspector found that:

‘There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council’s intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.

Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council’s own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case’

Given the above the emerging Local Plan can only be given limited weight in the determination of this planning application.

Conclusion

- The site is within the Open Countryside which is also subject to Policy PS.8 (Open Countryside) where 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.
- Cheshire East has a housing land supply figure of in the region of 4.0 to 4.2 years
- Only limited weight can be applied to the emerging Local Plan.
- As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

COUNTRYSIDE POLICIES

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“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”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was “*not sufficient directly related to housing land supply that it can be considered time expired for that purpose.*” Instead the Policy is “*primarily aimed at countryside & green belt protection*”. These objectives are largely in conformity with the NPPF and attract “*significant weight*”. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Sustainability

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

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

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

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

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

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

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

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

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

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal on the edge of the Settlement Zone, close to other dwellings, is not considered to be of an isolated nature.

Affordable Housing

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

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

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

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

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

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

The Council's Development Officer for Strategic Housing has objected to the application as no provision for affordable housing has been made.

However has stated that preference is always for affordable housing to be provided on site however the Interim Planning Statement: Affordable Housing does allow for financial contributions in certain circumstances, as follows –

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types
- management of the affordable dwellings on site would not be feasible
- it would be more appropriate to bring back existing vacant housing into use as affordable units
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area

The type of property there is the highest need for in the Holmes Chapel sub-area is 2 beds, and this is also reflected in the demand for 2 beds from applicants on Cheshire Homechoice who have selected Goostrey as their first choice.

The type of properties being proposed on the application are large 5 bed houses which range from 296m² to 343m² which would not be suitable for provision as affordable housing due to their size and a financial contribution in lieu of affordable housing would be suitable in this case.

The IPS: Affordable Housing goes on to state the following –

Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the Borough where there is an identified need.

If this site should be designated as a Rural Exception site all the properties provided should be affordable housing, however if it is designated as a windfall site in a settlement with a population of less than 3,000 then a financial contribution should be requested. The sum should reflect an equivalent amount of subsidy as would have been required to provide one affordable home on site.

Levy (CIL) Regulations

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

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

The affordable housing element of the development would also be secured via a Section 106 Agreement. This is considered to be necessary and fair and reasonable in relation to the development.

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

Design and Appearance

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

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

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

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

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

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

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

Amenity

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

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

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

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

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

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

Highways

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

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

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

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

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

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

Protected Trees

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

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

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

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

The recommended conditions will be attached to any permission:

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

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

Jodrell Bank

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

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

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

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

Landscaping

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

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

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

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

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

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

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

CONCLUSIONS

The site is within the Open Countryside where under Policy PS.8 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. Following the recent appeal decisions, the automatic presumption in favour of the proposal does apply and Policies PS.8 are considered to be out of date.

In this case the emerging policy can only be given limited weight.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. It therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

RECOMMENDATION

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

- 1. Commuted sum, with the amount to be confirmed, towards off site affordable housing.**

Conditions:

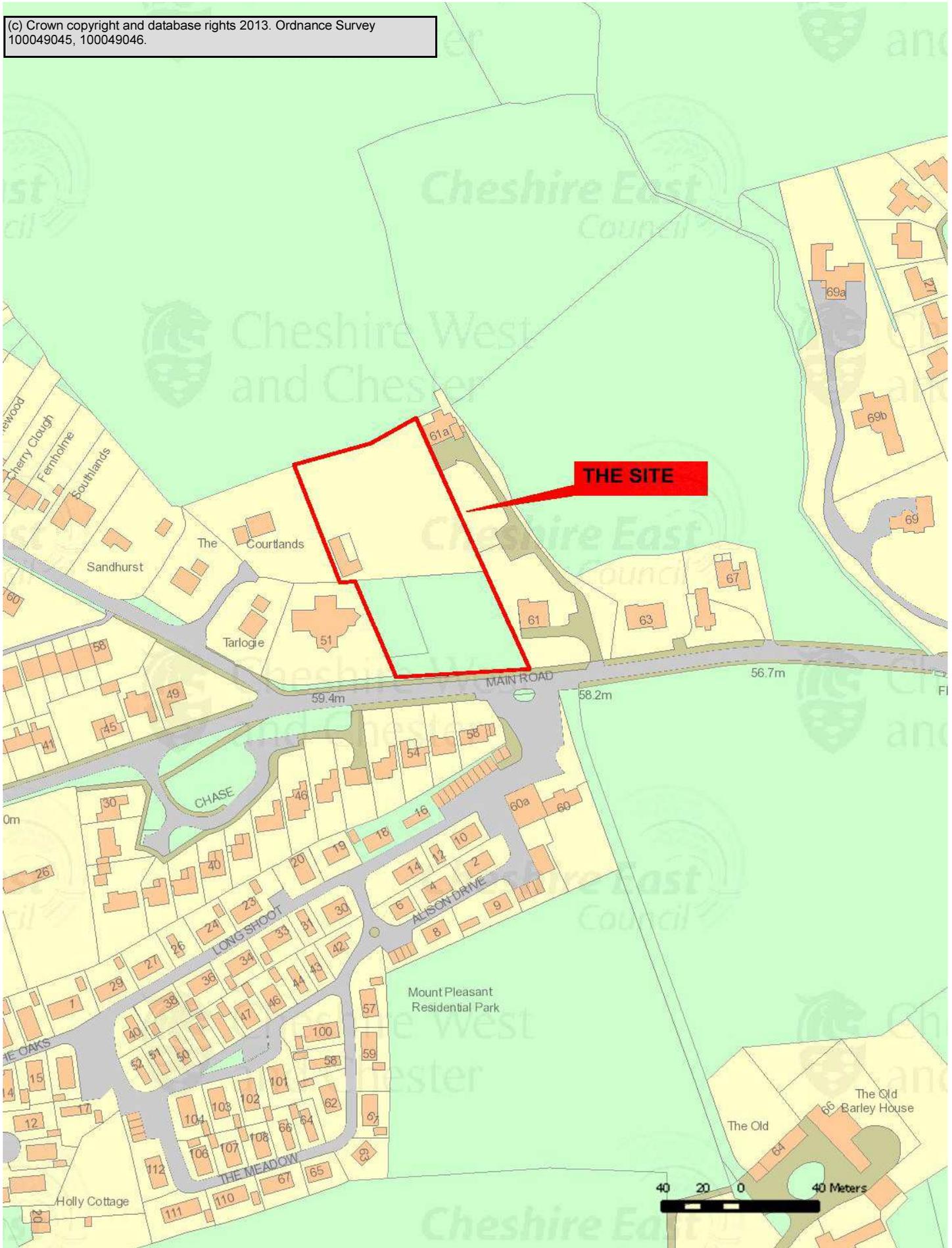
- 1. Standard time limit 3 years**
- 2. Approved Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority**
- 6. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.**
- 7. Works should commence outside the bird breeding season**
- 8. Materials to be submitted and approved**
- 9. Landscaping to be submitted and approved**
- 10. Landscaping scheme to be implemented**
- 11. Remove Permitted Development Rights Classes A-F of Part 1**
- 12. Boundary Treatment details**
- 13. Tree and hedgerow retention**
- 14. Tree Protection to be submitted and approved**
- 15. The parking spaces to be provided on the approved plan should be provided**

- 16. Visibility splays of 2.4m x 43m in both directions to be provided before development commences and thereafter be retained.**
- 17. Any gates to be erected to be set back by 5.5m from the highway**
- 18. Contribution to off-site 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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Development Management and Building Control Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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Application No: 13/4323N

Location: BROOKLANDS HOUSE, FORD LANE, CREWE, CHESHIRE, CW1 3JH

Proposal: Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping.

Applicant: Ann Lander, Wulvern Housing Ltd

Expiry Date: 14-Jan-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Design;
- Amenity;
- Affordable housing;
- Highways;
- Landscaping;
- Trees;
- Ecology;
- Drainage; and
- Other Matters

REFERRAL

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

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a large three storey detached Victorian building. The property is set on a relatively flat piece of land at the top of a hill and is surrounded on several elevations by large mature trees a number of which are protected by TPO's. Located to the front is an area of public open space and to the rear are a number of residential properties. The property itself is accessed via single track road, which is accessed off Broad Street. The property is constructed out of red facing brick under a slate roof. The building has been vacant for a number of years. The application site is located wholly within the Crewe Settlement Boundary.

DETAILS OF PROPOSAL

The proposal is for a housing scheme for over 55's and comprising of 16 No. apartments in total. A mixture of apartment sizes has been provided and comprises 6 no. two bedroom apartments, 6 no. one bedroom apartments and 4no. one bedroom 'plus' apartments. The 'plus' apartments have sufficient space within the lounge for a visitor or carer to stay. The apartments would be contained within a single block fronting Badger Avenue with some car parking and the bin store will be located at the front of the apartment block. However, the majority of the car parking and amenity areas will be located to the side of the proposal.

The proposed development will be three storeys in height and is broken up into three sections with the ridge of the central section set down and will incorporate projecting gables and balconies.

RELEVANT HISTORY

7/17648 - Conversion from 10 No. bed-sit units to 10 No. self-contained flats – Approved – 12th October 1989

7/05124 - Garaging of single decker bus for private use and maintenance of same – Approved – 29th March 1979

POLICIES

National Policy

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

National Planning Policy Framework

Local Policy

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

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

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

TRAN.9 (Car Parking Standards)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

CONSIDERATIONS (External to Planning)

United Utilities: No objections

Ecology: No objections subject to conditions relating to survey for breeding birds, bat mitigation and incorporation of features for breeding birds

Environmental Health: No objections subject to conditions relating to hours of construction, piling, dust control, lighting scheme and contaminated land

Housing: No objections

Landscape: No objections

Local Sustainable Transport Fund Project: The site entrance road leaves Broad Street at the same location as the Leighton Greenway, an off-road route for pedestrians and cyclists between the north west area of Crewe and towards the town centre. There are aspirations to improve the connectivity between this Broad Street terminus of the Greenway and the town centre itself by relocating the terminus at the Badger Avenue/Broad Street junction which is the desire line for users. The relocation of this Greenway would also remove any potential conflict between users and vehicles accessing the proposed development.

VIEWS OF THE PARISH / TOWN COUNCIL

The Council recognises the need to redevelop the site, but feels it is regrettable that a house of historical significance is being demolished to provide for the development. The apartment building at three storeys is not in keeping with the houses in adjacent areas. We also believe that consideration needs to be given in terms of access to the site for older people as the main access routes seem to be at the foot of the hill away from the development.

OTHER REPRESENTATIONS

1 letter of objection has been received from the occupiers of 101 Bedford Street. The salient points raised are as follows:

- Brooklands House has been a landmark for over a century and adds to the distinction of the area;
- Crewe has lost too many of its Victorian buildings and the place loses its sense of identity;
- The existing building should be retained and refurbished

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

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

Protected Species Survey

**Tree Report
Transport Statement**

OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 16 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

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

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

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

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

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust

growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

Design

Guidance advocated within NPPF supports a mix of housing within areas. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

The collection of dwellings around the application site have been constructed over approximately the last 120 years and provide a eclectic mix of architectural styles, forms and differing scales of dwellings. The application building is roughly in the shape of a letter 'U'. The existing building which will be demolished to make way for the proposal measures approximately 10m high. However, the proposed apartment block will be approximately 12.9m high (a difference of 2.9m). However, given its relative remote location and the proposal will be screened by existing trees, it will not appear overly conspicuous or incongruous.

The proposed apartment block will be constructed on the footprint of the former building following its demolition. It is noted that the proposed apartment block is larger than the existing building and the proposed footprint will subsume it. According to the submitted plans the proposed three storey apartment block will measure approximately 12.9m high by 37.5m long and 18.8m deep (at the widest points). The apartment block will be constructed out of

facing brick with the central recessed section rendered. The building will incorporate a cement tile roof, and a condition relating to materials will be conditioned, in the event that planning permission is approved.

The building will incorporate a pitched roof design, which is in keeping with the general character of the area. The building has a long range and in order to break up its massing is divided into three sections. The central section is set back and the ridge is stepped down. Furthermore, this section is rendered (which is in contrast to the flanking sections which are constructed out of facing brick) and the roof contains a number of solar panels. It is considered that given the central section is recessed helps to relieve the overall massing of the proposal. Additionally, on the front elevation are two projecting gable elements, which help to break up the otherwise stolid elevation. Located at the rear are two smaller outriggers which are two storey in height.

The building will incorporate sill details and recessed windows and as such will harmonise with the proposed dwellings. Located on the elevations of the building are a large number of apertures of various sizes and a number of these windows will incorporate balconies. The pattern of fenestration creates a strong vertical emphasis which is reminiscent of the bay windows which are characteristic of many of the terraced streets in the vicinity. Overall, it is considered that the design and proportions of the proposed apertures will not appear as alien or incongruous features.

Internally the apartment block will comprise of 6no. apartments on the ground and first floors, and 4no. apartments on the second floor.

Overall, it is considered the proposal would not detract from the identifiable character of the locality and its sense of place. Furthermore, due to the nature of the plot, nature and sale of the existing built form and the intervening road and the boundary treatment, the application site will not have a significant detrimental impact on the character and appearance of the streetscene and as such the proposal is in accordance with policy BE.2 (Design Standards).

Amenity Considerations

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 considered that the redevelopment of the site for housing within an existing residential area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

The development site is surrounded by residential properties to the north and west with an area of public open space to the east and south.

Located directly to the north of the application is a church hall and slightly offset to the north east is the vicarage. According to the submitted plans there is a distance in excess of 25m separating the church hall and vicarage from the application site. Furthermore, there are no principal windows located in this elevation which would potentially over look these properties. It is noted that there is a balcony serving unit 10, which result in some perceived over looking and loss of amenity and as such a condition will be attached requesting that a privacy panel is erected. Overall, it is considered given the separation distances, boundary treatment and landscaping (to be conditioned) will help to mitigate any negative externalities.

There is a large two property located immediately to the west of the application site. It is noted on the proposed apartment block there are number of balconies and other principal room windows. According to the Councils SPD Development on Backland and Gardens there should ideally be a distance of 21m between principal elevations, 13.5m between a principal elevation with windows to habitable rooms and blank elevation and in the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms. According to the submitted plans there is a separation distance in excess of 30m separating the application site from this property. Furthermore, there are number of large mature trees located in between the properties. Consequently, it is considered given the intervening trees and the separation distances will help to alleviate any problems caused by the proposed development.

Located to the north west of the application site are a number of modern two storey properties. These properties are slightly offset from the proposed apartment block. There is a distance of approximately 18.5m separating the rear elevation of these properties from the two storey outrigger located on the rear of the apartment block. As previously stated there are no principle habitable room windows in this elevation of the apartment block. According to the submitted plans unit no. 9 has a balcony and to prevent any undue overlooking a privacy panel is proposed, which will be conditioned accordingly. Overall, it is considered given the separation distance, orientation and juxtaposition of the properties and the boundary treatment will help to resolve any problems associated with the proposal.

Affordable Housing

The proposal is for the creation of 16no. affordable homes for the over 55's comprising of 6 no. two bedroom apartments, 6 no. one bedroom apartments and 4one bedroom 'plus' apartments to be let as affordable rented housing.

The Strategic Housing Market Assessment Update 2013 identified a requirement for 12 x 1 bed and 20 x 2 bed older persons accommodation each year between 20013/14 – 2017/18 in the Crewe sub-area, which is the area this site is located in.

131 applicants aged 60 or over on the housing register with Cheshire Homechoice have selected one of the Crewe re-housing areas as their first choice and also require a 1 or 2 bed property.

The Interim Planning Statement: Affordable Housing states that Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes

(2007). It also states that properties should be constructed in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency.

Overall, it is considered given that the provision of 100% affordable housing on the site is to be provided and retained and given that the applicant is an RSL, this will be secured via condition and as such the proposal is in accordance with Policy RES.7.

Highways

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

Landscaping

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'.

As previously stated the site is a 0.5 ha site located at the top of a bank adjoining public open space and is accessed by a track leading through the open space from Broad Lane. The site is currently occupied by a Victorian building and has significant tree cover.

The existing building is visible from the surrounding road network and the public open space although the existing tree cover provides a degree of screening. Whilst the proposal would result in some vegetation losses, much of the mature screening vegetation would be retained. It is acknowledged that as the development would occupy a much larger footprint and have a higher ridge level than the existing building it would be more prominent to view in the short term. However, as immature trees within the public open space mature, the level of screening afforded would increase. The Councils Landscape Officer has been consulted and considers the 'proposals to be reasonable and sympathetic to the development proposed'.

Trees

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

Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

In this case the Council’s Ecologist has been consulted on the application and confirmed that the application is supported by an acceptable ecological survey. He advises whilst badgers are likely to be active in this broad locality no evidence of badgers was recorded during the submitted survey. He therefore advises that badgers do not present a constraint upon the proposed development.

The Councils ecologist acknowledges that there was evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the existing building. The usage of the building by bats is likely to be limited to small numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of 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 submitted report recommends the installation of bat boxes on the nearby trees and a replacement features for roosting bats in the propose apartment block as a means of

compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. Therefore, if planning permission is to be approved a condition relating to bat mitigation will be attached to the decision notice.

In addition to the above, conditions relating to breeding birds will be condition accordingly. Overall, it is considered that the proposal is in accordance with policy NE. (Protected Species).

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Other Matters

Whilst the demolition of Brooklands House, which is a large imposing Victorian property is regrettable the building is not listed and neither is it on the local list. Therefore, it is considered that there is insufficient justification to warrant a refusal on these grounds and sustain it at any future appeal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

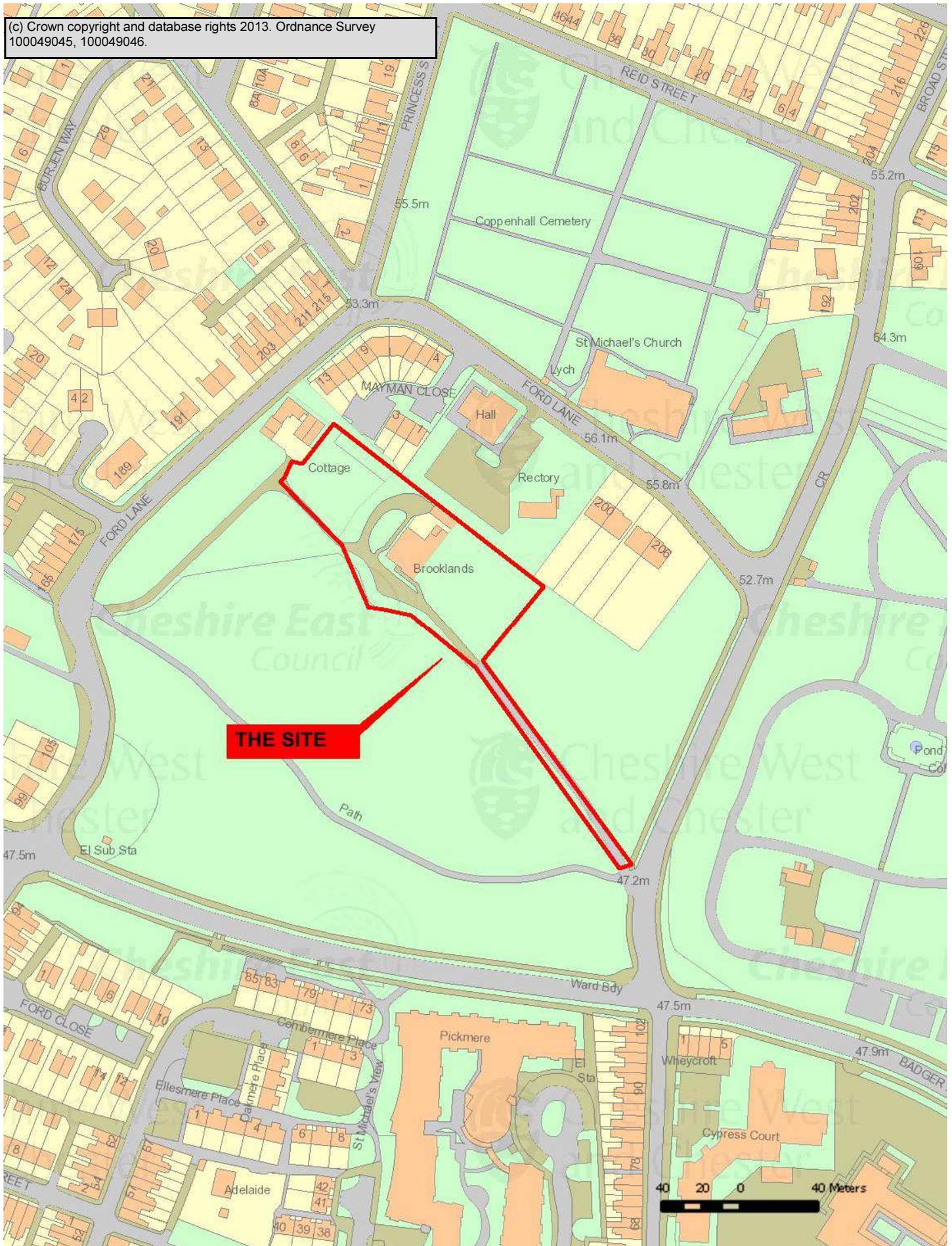
The proposed apartment block would be sited within the settlement boundary of Crewe which is acceptable in principle. It is considered that the proposed development can be carried out on the site without causing harm to the character and appearance of the streetscene, the amenity of neighbouring properties or highway safety. The proposal is therefore in compliance with Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), 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), RES.2 (Unallocated Housing Sites) and TRAN.9 (Car Parking Standards) 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. Standard time limit**
- 2. Plans**
- 3. Materials to be submitted and agreed in writing**

4. Submission and approval of boundary treatment
5. Surfacing materials to be submitted and agreed in writing
6. The proposed development to proceed in accordance with the recommendation made by the submitted Bat Method Statement dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.
7. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
8. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
9. Affordable Housing
10. Submission of Drainage Scheme
11. Provision of Car Parking
12. Landscaping scheme to be submitted and agreed in writing
13. Implementation of Landscaping Scheme
14. Details of Bin Storage Area to be submitted and agreed in writing
15. Details of the privacy panel to the balcony to be submitted and agreed in writing
16. Notwithstanding the plans hereby approved details of the privacy panel to unit 10 to be submitted and approved in writing
17. Contaminated Land
18. Construction Hours
Monday – Friday 08:00 to 18:00 hrs
Saturday 09:00 to 14:00 hrs
Sundays and Public Holidays Nil
19. Piling Hours
20. Details of lighting scheme to be submitted and approved in writing
21. Dust Control

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Application No: 13/4442C

Location: SAXON CROSS MOTEL, HOLMES CHAPEL ROAD, SANDBACH, CW11 1SE

Proposal: Variation of condition 5 on approval 11/2018C - Demolition of Existing Hotel on the Site. Change of Use from a Category C1 Development to a Mixed Use of Category B1 and B8. Construction of a Single-Storey Office Building and Warehouse Building. New Hard Landscaping Associated with the Proposed Development, Including Relocation of Vehicular Access

Applicant: Jonathan Bolshaw, Bolshaw Industrial Powders

Expiry Date: 20-Jan-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- **The impact upon the character and appearance of the site and the wider Open Countryside**
- **The impact upon neighbouring amenity**
- **The impact upon highway safety**
- **Parking provision**
- **The impact upon protected species**

1. REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee as it involves the variation of a planning condition attached to a major application which was originally determined by the Southern Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the western side of Holmes Chapel Road within the Open Countryside. The site is currently occupied by the former Saxons Cross Motel which now stands derelict. The Saxons Cross Motel is a mainly single storey flat roofed building with a small two storey section to the front of the site. The site is surrounded by open fields with the M6 to the rear. The site includes a number of trees of varying quality most of which are located towards the sites boundaries.

3. DETAILS OF PROPOSAL

Planning application 11/2018C granted approval for the following:

- The erection of a single storey office building to the front of the site that would have a length of 35 metres, a width of 12 metres, an eaves height of 3.4 metres and a ridge height of 6.1 metres,
- A warehouse which would have a length of 48 metres, a width of 21 metres, an eaves height of 6.2 metres and a ridge height of 9 metres,
- The relocation of the access to the south of the site and an area of car parking to the north-east corner of the site.

This application seeks consent for the variation of the approved plans condition to allow the construction of a small security office/sub-station building to the south of the site. The building would have a length of 6.2 metres, a width of 3.5 metres, an eaves height of 2.4 metres and a ridge height of 3.5 metres.

4. RELEVANT HISTORY

11/2018C – Demolition of existing hotel on the site and change of use from category C1 to a mixed use of category B1 and B8. Construction of a single storey office building and warehouse building. New hard landscaping associated with the proposed development, including the relocation of the vehicular access – Approved 5th August 2011

11/0551C - Demolition of existing hotel on the site, change of use from a category C1 development to a mixed use of category B1 and B8. Construction of a single storey office building a small security building and warehouse building, new hard landscaping associated with the proposed development including relocation of vehicular access – Withdrawn

5. POLICIES

Development Plan policies

Local Plan policy

PS8 – Open Countryside

GR1 – Design

GR2 – Design

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 – Accessibility, Servicing and Parking Provision

E5 – Employment Development in the Open Countryside

NR1 - Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

National policy

National Planning Policy Framework

Other Material Planning Considerations

Planning for Growth

6. CONSULTATIONS (External to Planning)

Environmental Health: No objection.

Jodrell Bank: Incorporation of electromagnetic screening measures.

Strategic Highways Manager: No comments received.

7. OTHER REPRESENTATIONS

No representations received.

8. PARISH/TOWN COUNCIL

Sandbach Council: No objection.

Brereton Parish Council: No comment.

9. APPLICANT'S SUPPORTING INFORMATION

No supporting information

10. OFFICER APPRAISAL

Principle of Development

The application site stands on the western side of Holmes Chapel Road, in close proximity to Junction 17 of the M6. The application site is located within the open countryside. Policy E5 allows for the redevelopment of an existing employment site where the proposal is for a business enterprise appropriate to the rural area.

The principle of development has already been accepted following the approval of application 11/2018C. This development relates to a small security office/sub-station associated with the wider development of the site. The principle of this small scale development is considered to be acceptable.

Since the determination of the original application the NPPF has been published. It is considered that the proposed development is consistent with the NPPF which amongst other things states that the planning should proactively drive and support sustainable economic development to deliver the business and industrial units that thriving local places and the country needs.

Amenity

The nearest residential property would be a property known as Nutwood which is located to the south of the site. Given that there would be a distance of approximately 80 metres from the nearest point of Nutwood to the application site and due to the fact that the property is

within close proximity to the M6 it is considered that the proposed small addition of a security office/sub-station is acceptable in this case.

Design

The proposed substation/security office would be a simple rectangular building with a pitched roof. To the front gable elevation would be a largely glazed elevation which would wrap around to the side elevations. The design would respect the design of the approved office building and is considered to be acceptable.

Highways

It is not considered that this minor addition would raise any highways implications over and above the approved scheme.

Ecology

Barn Owls were found to be roosting in the derelict buildings on this site. A scheme of mitigation was secured as part of the conditions on the approved scheme. As a result the impact upon protected species is considered to be acceptable.

Trees

There would be no additional impact upon the trees/hedgerows on this site and the impact is considered to be acceptable.

10. CONCLUSIONS

The proposed development is a minor addition to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development complies with the NPPF and is therefore recommended for approval.

11. RECOMMENDATIONS

Approve subject to the following conditions

- 1. Standard time limit 3 years from 5th August 2011**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Surfacing materials in accordance with plan reference AD1991.12**
- 4. Development in accordance with the Contaminated Land Assessment. Details of clean cover to be provided.**
- 5. Condition to specify the approved plans**
- 6. The car/HGV parking shown on the approved plans to be provided before the unit hereby approved is first occupied**
- 7. Cycle parking facilities in accordance with plan reference AD1991.10**
- 8. Shower facilities to be in accordance with plan reference AD1991.14**
- 9. Drainage details to be in accordance with plan reference AD1991.13A**
- 10. Details of oil interceptors to be submitted to the LPA and approved in writing**

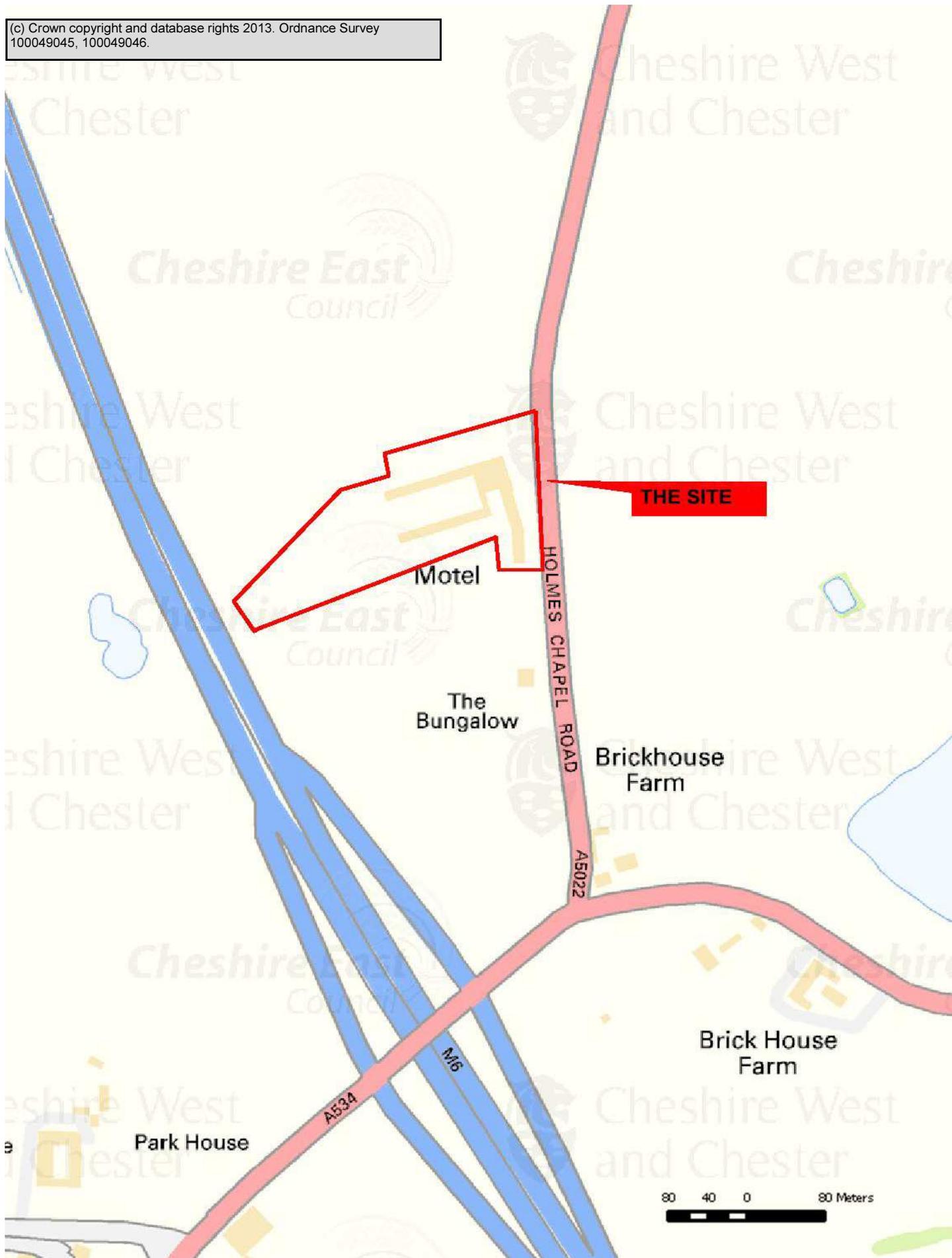
11. External lighting to be in accordance with plan reference AD1991.15A
12. No external storage
13. Bin Storage details to be in accordance with plan reference AD1991.11
14. Landscaping to be in accordance with plan reference AD1991.09A
15. Landscaping to be completed
16. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.
17. Details of any pile driving to be submitted to the LPA and approved in writing
18. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.
19. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans
20. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway in accordance with plan reference AD1991.16A
21. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
22. Breeding Bird Measures in accordance with the plan titles 'Breeding Bird Ecological Enhancements Figure 1'
23. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager 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.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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Application No: 13/3680C

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

Proposal: Variation of condition 2 on approval 13/0100C to enable minor revisions to the site layout to achieve improved access and improved marketability of dwellings

Applicant: P.E. Jones (Contractors) Limited

Expiry Date: 23-Oct-2013

SUMMARY RECOMMENDATION:

Approve subject to conditions and a Deed of Variation to the S106 Agreement

MAIN ISSUES:

Appropriateness of the proposed changes to the approved design having regard to:

- § **Trees**
- § **Site Layout and Design**
- § **Neighbours Amenity**

REASON FOR REFERRAL

Members will recall this application was determined in October 2013 when they approved the proposed variations within the layout of the residential development on this site subject to the satisfactory deed of variation of a Section 106 Agreement. The permission has yet to be issued. The deed of variation has been sealed.

The purpose of this report is to correct an omission within the previous report. That omission concerns the affordable housing condition which had been originally imposed upon the permission attached to 13/0100c but was not followed through to the recommendation on application 13/3680c when Members originally considered the matter.

As 13/3680c is capable of being a stand alone planning permission it is important that all relevant conditions are carried forward between the applications.

DESCRIPTION OF SITE AND CONTEXT

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

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

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

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

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

DETAILS OF PROPOSAL

This application seeks a variation to the approved plans condition attached to the original approval (13/0100C) to change the position of the footpath into the site via Tewkesbury Close from being a continuation of the footpath in front of no 26 to being a continuation of the footpath outside no 25 Tewksbury Close.

The proposal also seeks permission to alter the house design within the approved plot 2 from the 'Newark' to the 'Newark Special', which is proposed to incorporate a two storey side extension with an a integrated garage with enlarged bedroom accommodation above. The previously approved free- standing garage within the garden of plot 2 is removed from the layout entirely.

Additionally, the revisions also include changes to the garages within plot 1, which becomes attached rather than freestanding , as per the original approved layout.

The residential mix is unchanged and still comprises :

- 13 no 4 bedroomed houses (2 storey)
- 2 no 3 bedroomed houses (2 storey)
- 9 no 2 bedroomed houses (2 storey)

The road layout of the estate and traffic management arrangements, for the periods during and after construction remains unchanged.

RELEVANT HISTORY

13/0100C - Residential Development Comprising Demolition of Existing Bungalow & Outbuildings & Erection of 24 Dwellings Including Access, Parking, Landscaping & Associated Works –
Permission granted 15 May 2013 subject to S106 Agreement.

POLICIES

Local Plan Policy

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

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Other Material Considerations

The National Planning Policy Framework (NPPF)

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

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

Middlewich Town Strategy
2013 SHLAA
Emerging Development Strategy

CONSULTATIONS (External to Planning)

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

Forestry Officer - Raises no objection subject to conditions originally imposed upon 13/0100C being updated to reflect changes in the British Standard

VIEWS OF THE TOWN COUNCIL:

Middlewich Town Council: No objection

OTHER REPRESENTATIONS:

Two objections have been received from neighbouring residents on grounds:

- What contribution has developer made to local services?
- Original approval shows Construction traffic accessing the site via the shared access adjoining 50 Nantwich Road. Proposal only shows access from Tewksbury Close.
- Glastonbury Drive is already extremely congested. Access should be via Nantwich Road

APPLICANT'S SUPPORTING INFORMATION:

All documents are available in full on the planning file, and on the Council's website. As this is an application which seeks minor amendment to an extant permission, the technical and supporting information contained upon the previously approved development (ref 13/0100C) is still up to date and relevant. These are -

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

OFFICER APPRAISAL

Principal of Development

The principle of this development has already been established by virtue of the permission 13/0100C. Therefore the main issues for consideration are the highways or tree impact of the alterations to the design and position of the continuation of the pavement to the main vehicular access point in Tewkesbury Close and any design impact of the variation to the house type at plot 2.

Impact on character and appearance of the area

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

This proposed variation of the house type incorporates a 2-storey side extension to comprise an integral garage and extended bedroom space above, although no change to the number of bedrooms are proposed within this variant. The other minor alteration involves the re-siting of the garage within plot 1 by making it an integral garage.

These design changes are considered to be in keeping with the modern estate layout and will retain adequate driveway capacity for off street parking within the plots involved.

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

Highways – safety, access and congestion

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

Matters pertaining to the access through the estate were debated widely by the Committee when they resolved to approve 13/0100C.

The continuation of the pavement into the site from Tewkesbury Close is proposed to be on the opposite side of the street than previously approved. This has been done for the betterment of the trees in the vicinity of the access.

Trees

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

The trees to be removed as part of the proposal were considered during the assessment of 13/0100C to the more favourable option as any access off Nantwich Road would have highway safety implications and require the removal of at least two protected Lime trees to the main road, more public frontage.

The re-positioning of the pavement on the northern side of the street as the continuation of Tewksbury Close has been done in the interests of safeguarding the root protection areas of the existing trees in this area. The Tree Officer has considered the proposals and raises no objection to the scheme.

Conclusion

This site is within the existing urban area and is considered a highly sustainable location. In the light of the advice contained in the newly adopted National Planning Policy Framework planning permission should be granted for sustainable development unless

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

Or

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

The Development plan is not absent or silent with regard to this application. Given the sustainable, urban location of the site, there is a strong presumption in favour of the development in terms of the adopted policy unless there adverse impacts to amenity or highway safety that would justify refusal.

The proposed changes to the approved footpath position and house style at plot 2 is considered to be acceptable in terms of its impact upon the design and layout of this development site.

The Section 106 attached to 13/0100C which accords with the CIL Regulations requires a deed of variation to enable the proposed changes to the scheme to be linked to the existing approval.

The Section 106 provides adequate public open space and recreational facilities as a direct consequence of the development, in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents, monies towards highways mitigation to be utilised to improve the pedestrian environment to allow for future residents to walk into the town centre.

Community Infrastructure Levy (CIL) Regulations

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

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

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

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

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

RECOMMENDATION

APPROVE subject to a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C to Secure:

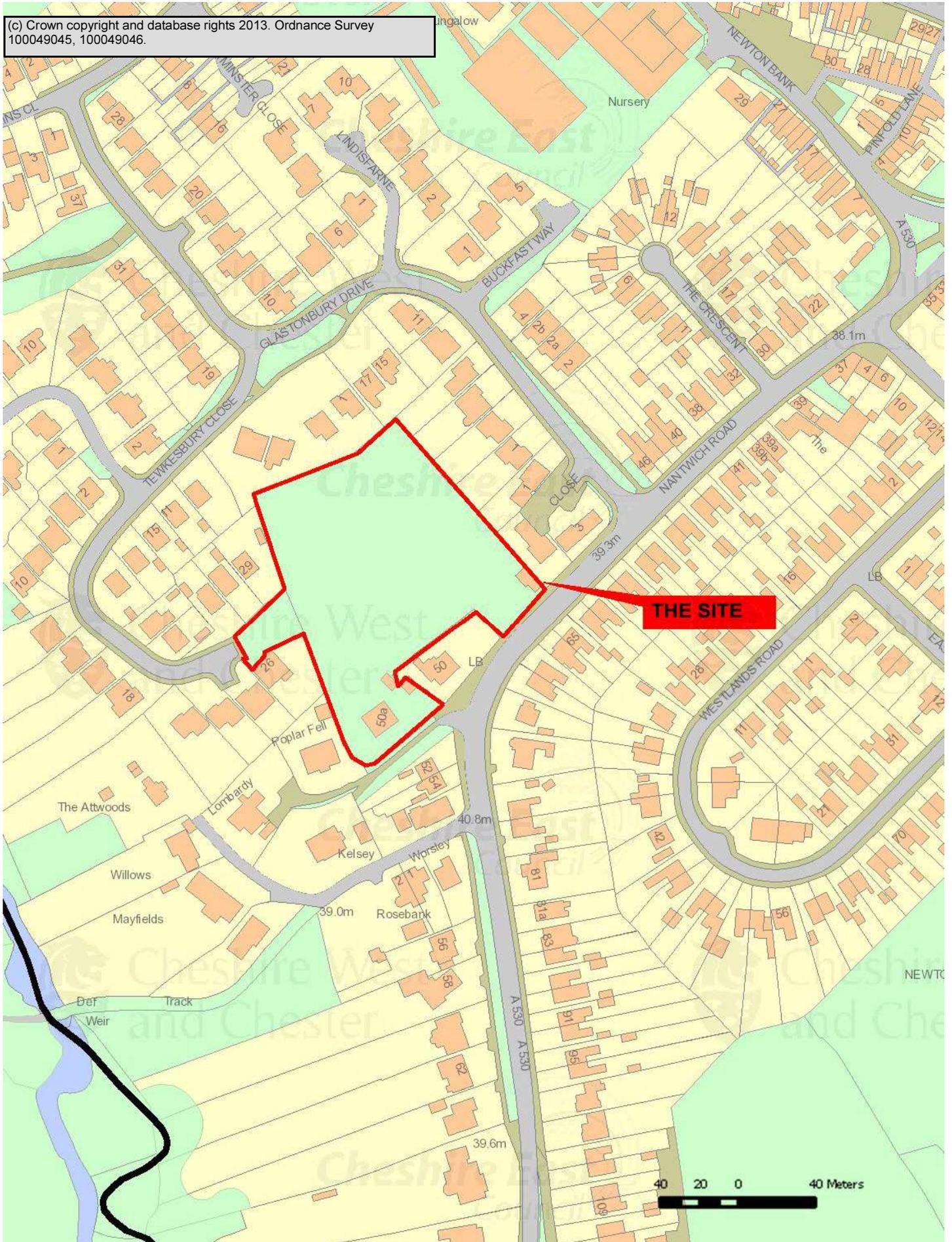
- § Incorporation of the layout detailed within 13/3680C

And the following conditions

1. Time limit – 3 years
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree and hedgerow protection measures
7. Arboricultural Specification/Method statement
8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
9. Implementation of landscaping scheme, including replacement hedgerows
10. Submission of updated ecological survey (badger)
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
14. Site drainage on separate system - details to be submitted
15. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
16. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil

17. Submission of mitigation measures to minimise any impact on air quality from construction dust
18. Submission of a Contaminated Land Phase II investigation.
19. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
20. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Open plan estate layout – removal of permitted development rights for fences in front gardens
24. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
25. Details of ground levels to be submitted
26. Details of bin/bike store to be submitted and implemented for plots 12-15
27. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
28. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
29. The parking provision to plots 12 to 15 shall be a maximum of 150%
30. Scheme of affordable housing to be submitted prior to commencement of development and implemented

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